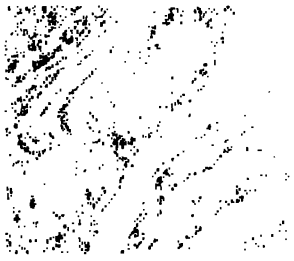
LEAVES FROM THE DIARY

OF AN OLD LAWYER



LEAVES

FROM THE

DIARY OF AN OLD LAWYER

INTEMPERANCE

THE GREAT SOURCE OF CRIME.

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TO THE NOBLE WOMEN OF THE

"CRUSADE,"

TO WHOSE COURAGE, CHRISTIAN ZEAL, AND PHILANTHROPY
THE TEMPERANCE CAUSE OWES SO MUCH,

THIS LITTLE VOLUME

IS MOST RESPECTFULLY DEDICATED

BY THE AUTHOR.

PREFACE.

"Some books are to be tasted, others to be swallowed,
And some few are to be chewed and digested."

"No pleasure is comparable to the standing upon the vantage-ground of truth."—*Francis Bacon.*

"Some said, 'John, print it;' others said, 'Not so.'
Some said, 'It might do good;' others said, 'No.'"
—*John Bunyan.*

A FEW months ago I attended a temperance meeting at Chautauqua Point. While seated in the auditorium, waiting for the lecturer, I heard an old gentleman that I knew to be a strictly temperate man and a good Christian remark to a minister that sat by his side, "The temperance question is an old story, it is worn threadbare; nothing new can be said on it, and the people no longer take any interest in it." This remark set me to thinking, and I thought it ought not to be true; I thought that any story that had for its aim and object the advancement of the moral condition of mankind, and the physical well-being of the human race, never could and never ought to grow old. I remembered that the story of the awful tragedy that was enacted on Mount Calvary eighteen hundred years ago had not "grown old," and that although that story had been told by a pious ministry all over the world for

nearly two thousand years, yet to the humble, penitent sinner at the foot of the altar it was as full of interest and as new to-day as it was to the people of Nazareth in the infancy of Christianity. I recollected that the civilization and enlightenment of the world was because that old, old story has been so often told, and that where it had been told the most frequently, there mankind was most prosperous and happy, and that to repeat that story to fallen man missionaries had been sent to the uttermost parts of the earth. From the northern land of perpetual winter to the sunlit isles of the summer seas, that "old story" had been listened to by countless millions of the human race, and that under its influence barbarism had given place to civilization, idolatry to the proper worship of the Creator, and the hope and faith of the Christian had robbed death of its terrors and the grave of its victory.

And yet that story had by oft-repeating tongues been "worn threadbare" for hundreds of years; not a fact or incident had been added to it that was not known to the humble shepherds of Judea and the fishermen of Galilee. Even the most learned and eloquent divine of to-day could not, with all the power of logic or aid and embellishment of rhetoric, add a single charm to the simple narration—

For God so loved the world that He gave His only begotten Son, that whosoever believed on Him should not perish, but have everlasting life.

And I thought that as temperance was the handmaid of Christianity, and that as intemperance vio-

lated the precepts of religion and debased the morals of the people, the question never could grow old; that as long as "righteousness exalted a nation and sin was a reproach to a people," the question of temperance would ever be full of interest, and would become more and more important until the time came when no man would be permitted by law and license to put strong drink to his fellow's lips, and thereby tempt him to sin and crime.

Three years ago I was requested by the Women's Temperance Association of our county to write a lecture giving my experience in the courts in cases where the crimes perpetrated resulted from intemperance. I hesitatingly complied with the request. I well knew that the subject of temperance was a hackneyed one, and that so much had been said, and so well said, by able and eloquent reformers, that it was a very difficult task to present any new thoughts or arguments against the license system and its results and effects on the people. For years I have been convinced that nearly all the crime committed in the country was caused by intemperance; that it costs more to punish those that have been made criminals by its influence than it does to support our common schools or sustain the religious teachers and churches in the land. Of this fact I was well satisfied, but I did not know how to present the subject to the people in such a manner as to attract their attention or convince them that this statement was true. Yet in answer to the request made of me I prepared a simple narration of events and incidents

that had transpired in our criminal courts under my own observation. I called it a lecture, and delivered it before the temperance association of our city. It was so well received by the audience and so kindly spoken of by the press, that I was induced, in compliance to requests made to me, to repeat it in a number of other towns and cities. It still seemed to meet with public approval; and, at the suggestion of a reverend friend of mine and of temperance reform, I concluded to treat the subject more in detail, yet in the same manner that I had treated it in my lecture, and present it to the public in the form of a book. This thought occurred to me the first of last August, and it is now late in December, and the last chapter is written. Since the time I commenced to write it I have been engaged in the active practice of my profession, having been seven weeks in the courts. It will be seen, therefore, that I have had but little time to devote to the book, and for this reason I ask the indulgence of my readers, and that they forgive its many faults and imperfections. It has been my object as far as possible to present the subject in a manner somewhat new; to travel out of the beaten path of temperance lectures, and to convince my readers, if possible, that prohibition by law is the only means by which the traffic in alcohol can be abolished, and the country relieved of the great curse of intemperance. I believe in the efficacy of the "kind words" of moral suasion as a great remedial agent. I acknowledge even the great force of the "tufts of grass" of public opinion. Yet when

the boy remains obdurate and will not come down from the tree, I have an abiding faith in the "virtue of stones."

If good reverend men could preach the license system out of existence, I would be very glad that they should do so. If the prayers of Christian men and women could extinguish the fires of the distilleries, or smother the still-worm, I would be glad that it were so; but, admitting the truth stated in the fable of Æsop, that "the gods help those that help themselves," and that it was the shoulder of the teamster applied to the wheel of his cart that moved the load from out the mud of the highway, I believe that it will require the force of the whole people, *men* and *women*, applied at the ballot-box, to effectually blot out of existence the great curse to the country, "THE LAWS THAT LICENSE AND PERMIT THE SALE OF ALCOHOL AS A BEVERAGE." I deny the right of the Government to sell to one citizen the privilege to tempt another to commit crime. I doubt the policy of those laws that seek to raise a revenue by the sale of that which debases the people, is the prolific source of crime and pauperism, and costs the country annually a thousand times more than the revenue received therefrom. I deny the justice of those laws that on one page of the statute book legalize that which promotes crime and makes criminals, and on the next provide severe penalties to be administered to those they have tempted to transgress. This little volume is presented to the public to promulgate those views. They may be

thought radical, and perhaps are so; but they are the result of long years of experience in our criminal courts, and are but a feeble expression of my abhorrence of the vice of intemperance and the laws that encourage and promote it.

"Tell me I hate the bowl—
Hate is a feeble word;
I loathe—abhor—my very soul
By strong disgust is stirred
Whene'er I see, or hear, or tell
Of the *dark beverage of Hell.*"

THE AUTHOR.

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CHAPTER I.

THIRTY YEARS AT THE BAR.—A SUMMARY.

"Thou sparkling bowl! thou sparkling bowl!
Though lips of bards thy brim may press,
And eyes of beauty o'er thee roll,
And song and dance thy power confess,
I will not touch thee; for there clings
A scorpion to thy side, that stings."

—*John Pierpont.*

"All men that are ruined are ruined on the side of their natural propensities."—*Burke.*

THE laws that license the sale of intoxicating liquor are different in different States; and to the credit of some of the States of our Union, it can be said that they do not grant any license to the nefarious traffic. Yet where it is licensed, no matter what are the special provisions of the law, the consequences incident thereto are the same, and are as certain to follow as the ripening ear follows the planted seed. And as men in this world do not gather grapes from thorns nor figs from thistles, neither do they gather a harvest of moral advancement and social prosperity where they have sown the seeds of sin and crime.

In the following pages I propose to relate to the reader a few incidents from the Diary of an Old Criminal Lawyer, to narrate a few of the many scenes I have witnessed in our courts and in our prisons, and to seek to draw a moral therefrom pertinent to the subject of this little volume as it is announced on its title-page.

I do not expect to narrate even a tithe of the crime and suffering I have seen, whose cause may be traced directly to the license system of our courts. Had I the pen of a ready writer, I could write volumes in relating incidents of crime and horror whose details I have heard either in our courts or in the cells of our jails; and when my hand was weary and my memory failed me, I could yet say that even the half had not been told.

My experience at the bar has satisfied me that intemperance is the direct cause of nearly all the crime that is committed in our country. I have been at the bar over thirty years, have been engaged in nearly four thousand criminal cases, and on mature reflection I am satisfied that over three thousand of those cases have originated from drunkenness alone, and I believe that a great proportion of the remainder could be traced either directly or indirectly to this great source of crime. In fifty-six cases of homicide forty-three have been caused by the maddening influence of strong drink. I have seen upon the counsel table of our court-room the skull of an aged father, who was killed by a drunken son. My brother and myself sat by his side as his

counsel, and I never shall forget the look of that son when the ghastly evidence of his guilt was laid upon the stand before him. That silent yet eloquent witness! It was but an arch of bone, and was handled carelessly by the jury in their investigation, yet it had once been covered by a father's gray hairs; beneath it had throbbed a brain full of pride and affection for the son who was now on his trial for murder, and as it passed from hand to hand the fearful expression on the face of the accused plainly told the terrible feeling of remorse that filled his soul. It was a wicked and most unnatural crime, and begot feelings of loathing and horror in the breasts of all who witnessed the trial. Yet it was not in reality the son who had committed the crime, but the demon that lurks in every cup of strong drink. And that cup had been filled and placed to the lips of that son by the hand of a most respectable member of society—a man who had a license from that very court to sell that which maddened the brain and prompted the hand to murder.

I saw upon that table the skull of young B——, who was killed by his most intimate friend in a drunken brawl at Hartstown, and the respectable proprietor at whose hotel the murder was perpetrated, and who sold the maddening spirit that prompted the deed, was a witness at the trial. He said he had a license from that respectable court to sell liquor; yes, from the very court then sitting in judgment on that act, which was but the natural sequence of the license it had sold and granted.

I have seen upon that table the skull of a little child with the evidence upon it of a murderous blow, inflicted by the hand of a drunken mother. Yet it was not the mother who had committed that most unnatural crime. All our knowledge of the promptings of the human heart deny the charge. Who that remembers his own mother and her maternal love could believe it? No! a demoniacal spirit had violated the sanctuary of the mother's heart and cast out the tender, loving tenant that once resided there, and that was the spirit of strong drink, sold to the woman by a man who held a license to sell under the seal and sanction of that very court.

I have seen upon that table the blood-stained skull of a wife, cleft from top to base by an axe in the hand of a brutal, drunken husband, who came home from a neighboring licensed beer shop, reeling, drunken, and maddened by drink there sold by a most respectable dealer, by a man who had a legal right to sell that poison whose effects are more terrible than the plagues confined within the fabled box of Pandora, and under whose baleful influence

> "The hand that should shield the wife from ill,
> In drunken wrath is raised to kill."

I once defended a man for killing his own brother, by whom in a fit of drunken frenzy he had been attacked with a dangerous weapon, thereby compelling him in his own defense to strike a blow that had taken his brother's life. He was tried for murder, and in

his defense I called the "landlord" to prove that the murdered brother was mad from the effects of the liquor he had received at the witness's bar. He so testified, yet seemed conscious of no wrong. Why should he? He had a license from the court, and why should that brother's blood cry to Heaven for vengeance against him? Oh no! he was a respectable citizen, possessing a good moral character, for the law grants licenses to none other. He had a legal right to present the maddening cup to his fellow's lips, and no one should complain of him. He had acted in accordance with the law, and did not one of England's greatest and best of men say that "The law was that science whose voice was the harmony of the world, and whose seat was the bosom of God"?

CHAPTER II.

A PRODIGAL SON.—IN A FELON'S CELL AND IN THE HALLS OF CONGRESS.

"O thou invisible spirit of wine, if thou hast no name to be known by, let us call thee Devil!"

"Every inordinate cup
Is unblessed, and th' ingredient is a devil."

"It was excess of wine that set him on,
And on his more advice, we pardon him."

"The jury, in passing on the prisoner's life,
May in the sworn twelve have a thief or two
Guiltier than him they try."

—*Shakespeare.*

ABOUT twenty-five years ago I was sent for to see a prisoner in our jail who had just been committed for passing counterfeit money. A large package of this money had been found concealed in his bed in his room at the hotel. He had passed a ten-dollar bill, was detected, arrested, and committed to prison for trial. I went to the jail, and in a cell I saw a young man not over nineteen or twenty years of age. His face bore the unmistakable evidence of dissipation and drunkenness, while his language showed that he had received the education and culture of a gentle-

man. He told me his sad story. He was the only son of wealthy parents, petted and spoiled by a fond mother and an indulgent father. Bad company, which he met at the fashionable saloon and bar-room, led him astray. The appetite for strong drink had fastened upon him with a force he could not resist. His father had remonstrated with him in vain, when, in a fit of drunken anger, he struck the old man to the earth, and then fled from his home and friends, becoming a wanderer and an outcast. He soon fell in with some of his old associates of the saloon and bar-room, who induced him to undertake to pass counterfeit money, or "*run the flimsy*," to use his language. He was detected in the first offense, and there, friendless and a stranger, without money to assist him in his defense, he was a prisoner in a felon's cell.

I desired him to write to his friends, but he refused, and would not even tell me his right name. He said it would break his mother's heart to hear of his crime and shame. "But oh!" said he, "if you can only save me from the penitentiary I will reform. I will go back to my home, for no one there will know of my crime, and I will never taste liquor again."

This was before the adoption of our criminal code, and when we practiced under the old common-law forms of pleadings, which required great accuracy in indictments. The hour of trial came at last. The District Attorney made a slight mistake in the indictment, in the description of the counterfeit bill,

and when it was offered in evidence, on an objection being made, "that it was not the bill described, and therefore was not admissible as evidence," the Court sustained the objection, ruled in my favor, the fatal testimony was rejected, and my client was safe. Joy was in my heart as well as in that of the poor prisoner. Not so with the noble and generous public, who erect bar-rooms and drinking saloons, and sustain them by law for the ruin of the young. Oh no! Rome fairly howled with rage and disappointment that so great a criminal had escaped. No one seemed to deprecate the temptations that had beset him, or to feel pity for his youth and friendlessness. The public prints never said one word about the many pitfalls that are placed by law in the pathway of youth, but I was most heartily abused and berated for my efforts in his behalf. I tried to bear it with what Christian fortitude and resignation I had, and, if I remember aright, I believe I rather enjoyed it. I had a verdict of not guilty, at all events, and as some months had elapsed between the time of his arrest and his trial, my poor unfortunate client was entirely sobered. He had conquered the thirst for strong drink; its fatal craving was no longer upon him. We parted: he, like the prodigal, to return to his father's house, and I to receive the censure of many in our community for "clearing a man" who so richly deserved the penitentiary. Fourteen years after that I met my client in Washington, a Representative in Congress from his native city, an able and influential member of the House, and a Chris-

tian gentleman. But for the pernicious influences of those licensed saloons and bar-rooms, those connecting links between virtue and crime, he would never thus have sinned. But for the nets spread by law for the unwary feet of the young and inexperienced, this bitter lesson in crime and remorse would have been spared him; and had not the District Attorney omitted that one little word in the indictment, he would have been convicted and sentenced to the penitentiary for a period of five years. He might have survived the sentence. To a man like him the punishment consists not in the imprisonment alone, but in the fact that even when the term of punishment has expired and the prison doors have been thrown open, he would go forth into the world ruined and dishonored, with the felon's brand on his forehead. No one would have remembered his temptations; no one would have forgotten his crime; the stain of the penitentiary would have followed his footsteps, though he had gone to the uttermost parts of the earth, and the taint of that terrible punishment would have clung to him through life like the poisoned garment of Nessus.

Why is it that an enlightened and a Christian people cannot see the terrible consequences that arise from those gilded allurements and temptations to sin and crime with which the law besets the path of youth and innocence? Under the influence of the present advanced state of medical science, as a people we pay great attention to the sanitary condition

of our country. We hear a rumor that a pestilence is approaching us from some distant land, and straightway the public prints sound the alarm. In all our towns and cities health committees are appointed to examine the streets and alleys, to see that every cause of disease is abated. The sewers are examined, all the cess-pools where lie hidden the seeds of pestilence are removed, and long before the dusky wings of the Angel of Death are seen approaching our land from the plague-stricken countries of the East, we are prepared to arrest his flight, and we wonder that other countries do not do the same. We read with astonishment the accounts that travelers give of the filth and corruption that fester in the public thoroughfares of the cities of the Orient. We are amazed that a people should be so ignorant and careless as not to remove, as far as possible, the cause of the "*Pestilence that walketh in darkness and that wasteth at noonday.*"

And yet in our midst are hundreds and thousands of plague-infected spots, licensed by our courts, and protected by law, from whence are scattered the germs of disease and death more terrible and certain in their effects than all the plagues that have swept over the earth, decimating its people. The pestilence poisons only the body, and though it brings physical death, it affects not the morals of society, while intemperance not only destroys the body, but sows the seeds of immorality and crime broadcast, as the snow-flakes are scattered by the winter's wind.

STORY OF JOE MORGAN.

"Take one more example, to our purpose quite."

But a few months ago the public prints recorded the suicide in T——— of poor "Joe Morgan." A short time before her death she had been arrested for stealing a solitaire diamond ring, valued at sixteen hundred dollars. She sent for me. I visited her in her cell in prison, and there saw a young and once beautiful woman, well educated, showing the evidence of former cultivation and refinement, and a mind more than ordinarily intellectual. She told me her sad story. Married when very young to the object of her first love, she lived happily with him for a number of years. His business prospered and everything seemed to promise a life of happiness and love. But in an evil hour the tempter came to him in the wine-cup. The opportunity for indulgence was ever present in the licensed saloon and drinking resort so common in our large cities. He followed the footsteps of the tempter. He trod the path so many had trodden before. Financial ruin came upon him, and he became a besotted drunkard, loathsome and disgusting to all who knew him. Poor Joe clung to him in his degradation, and made every effort to reclaim him. She was an orphan, and had no other home to go to, and was compelled to live with a drunken and brutal husband and submit to his curses and blows until life became burdensome. All this time "hope told a flattering tale."

She thought her husband might yet reform, until at last he, her husband, tried to persuade and even to compel her to live a life of shame, that he might spend the wages of her sin in strong drink. Then she fled from his hated presence a homeless wanderer, a waif on the sea of humanity.

For some time she tried to support herself with her needle, but, raised and educated as she had been in a fashionable boarding-school, she could do nothing that would even supply herself with bread. She struggled with famine for a number of months. Then the tempter came to her. She could exchange want, penury, and starvation for luxury and ease—and she fell!

> "Fell, like the snow flake, from heaven to hell,
> Fell, to be tramped as the filth of the street;
> Fell, to be scoffed at, to be spit on and beat.
> Pleading,
> Cursing,
> Dreading to die,
> Selling her soul to whoever would buy,
> Dealing in shame for a morsel of bread,
> Hating the living and fearing the dead—
> Merciful God! had she fallen so low!
> And yet once she was pure as the beautiful snow!"

The sequel of her fate is generally known. Although I succeeded in obtaining a verdict of acquittal, yet, distracted and heart-broken, she went from prison to die by her own hand, a victim of the accursed traffic in rum. But she died protesting her innocence of the theft, and now in a lone grave in a desolate burying-ground in the country sleep the remains of poor Josephine Morgan, although that, I

believe, was not her real name. Let us be charitable to her memory.

"Think gently of the erring: for ye know not of the power
With which the dark temptations come in some unguarded hour.
Ye know not how earnestly she struggled, nor how well,
Until the hour of darkness came, and, struggling thus, she fell."

CHAPTER III.

SCENES IN JAIL AND COURT.—PRISONERS SENTENCED.

> 'Man, with raging drink inflamed,
> Is far more savage and untamed;
> Supplies his loss of wit and sense
> With barbarousness and insolence."
>
> —*Hudibras.*

> "He that is drunken
> Is outlawed by himself: all kind of ill
> Did with his liquor slide into his veins."
>
> —*George Herbert.*

> "——With shame and sorrow fill'd—
> Shame for their folly; sorrow out of time
> For plotting an unprofitable crime."
>
> —*Dryden.*

How often have I been called into our jail to listen to a tale of crime from the lips of some poor unfortunate there incarcerated, and awaiting his trial. When I have heard the story of his guilt, and have asked, "Why did you do the deed?" how often have I received the answer, "I was drunk, and did not know what I was doing." Then would I hear the prayer, "Oh, save me from the penitentiary or the gallows, and I will never touch liquor again."

I have often gone into the court that granted the license to those who sold the poor, friendless crimi-

nal that which prompted him to commit the crime, and availed myself of every rule of law, of every privilege it gave me to accomplish an acquittal, and when successful, have said to him, "Go, and sin no more." I have been conscious all the time that many blamed me for my efforts to acquit those the public thought guilty. But seldom have I heard the court censured for granting licenses to respectable men to make criminals of their fellow-men. Oh, no! the sacred ermine of justice is not soiled or stained by granting licenses to sell that which prompts the heart to crime and the hand to murder, but the humble advocate who defends the victims of this accursed traffic meets with the censure of a most just and righteous public.

After the jury trials are ended at every court, how often have I heard "His Honor" say, "Sheriff, bring in the prisoners for sentence"! In a few minutes they come, a motley throng files into the court-room, and on almost every pale and haggard countenance is seen the evidence of strong drink. But the frenzy caused by the licensed cup has passed away, leaving remorse of conscience, shame, and contrition on every face. Yet shame and contrition came too late, for it is only since the bars and bolts of yonder prison have protected them from the baleful influences established by the license of the court that the voice of reason and conscience has been heard. In their imprisonment I could see one feeble ray of justice, in this, that while it prevented them from committing crime, it also removed them

from the temptations established by law and protected by license. And I have often wondered if the court about to pronounce the sentence ever remembered the words that fell from the lips of Divinity, when on his hallowed mission to earth: "*Lead us not into temptation, but deliver us from evil.*" But the judges have consulted together, and the sentences have been fixed. The name of one poor prisoner is called by the court. He is told to "stand up," and is then asked if he has anything to say why the sentence of the law should not be passed upon him. With quivering lip and tearful eye he answers: "I hope your honors will be merciful to me, for although I am guilty, yet I was drunk when I committed the crime, and did not know what I was doing." As I have heard this pitiful plea, and I have heard it so often, I hoped it would avail, for I remembered the prayer from the cross, "Father, forgive them, for they know not what they do." But no! the poor criminal, whose crime is often the legitimate offspring of the license system, is told that his plea can avail him nothing, that drunkenness is by law an aggravation of the crime, for it is itself a sin and an offense. He is advised by the court to patiently suffer the imprisonment imposed by the sentence. He is kindly informed that while he is in prison he will be out of the reach of temptation, will be unable to get liquor, and that when he comes out he will be a sober man. He is advised in the future to let liquor alone, to keep away from the rum-shop, and that in the end, if he lives long enough, society will forgive

and forget his offenses. When the poor, trembling victim of this accursed traffic has heard the sentence that consigns him to prison for a number of years, and has sunk into his seat, I hear from the audience yonder the stifled scream and cry of anguish from his heart-broken wife, who will tell you, as she has often told me, "John was a good man, a kind father, and an affectionate husband, until he took to visiting the licensed beer-shop and bar-room, and then crime came to him, and want and ruin to his family."

Do not, my reader, I beg of you, believe that the criminals that have gone from our court-room to prison are morally of a different *genera* and *species* from the common race of mankind, for they are not. I have defended hundreds of men for the commission of crime, when I sincerely believed that the only difference between them and the very respectable jury sitting in their case was that made by ten cents worth of the meanest whiskey that ever a Christian court licensed a man of "good moral character" to present to the lips of his fellow-man.

In this world men are often the mere foot-balls of circumstances over which they have no control, and I have defended scores of men who, if they had in early youth received the same mental training, been surrounded through life by the same moral atmosphere that surrounded his honor upon the bench, would have equally well graced the "judicial ermine," while unfortunate circumstances of birth, accompanied by a vicious education and corrupting influences from infancy to manhood, would have

placed many of the ablest and most worthy judges of our land in the criminal dock. It does not follow that all convicted criminals are by nature worse than their fellow-men. Victor Hugo once said that the world was divided into but two classes, "the great detected and the great undetected," and if this saying is not entirely true, there is enough truth in it to teach us to be charitable toward our fellow-men.

Bishop A., one of the most learned and pious of the English clergy, who was celebrated for his eloquence and his charity for sinful humanity, was once walking with another clergyman of the Established Church along the streets of London. On their way a procession from the prison passed them on its road to "Tyburn," the place where criminals were executed. In the procession was a cart containing two men under sentence of death. The men were dressed in their shrouds and seated upon their coffins. The good bishop and his friend paused while the solemn cortège passed. For a moment he looked at the ill-fated men, and then, turning to his friend, said, "There, brother, but for the grace of God and fortunate circumstances, there go you and Bishop A." Here was that Christian charity that was kind and that vaunted not itself; a charity that could believe that all criminals were not by nature totally depraved, but were many of them the victims of the circumstances that surrounded them from birth.

"Think gently of the erring;
Oh! do not thou forget,
However deeply stained by sin,
He is thy brother yet.

Heir of the self-same heritage,
Child of the self-same God,
He has but stumbled in that path
Thou hast but feebly trod."

But while we have been moralizing the court has not been idle. The sentences have all been passed, the majesty of the offended law has been vindicated; the Sheriff has retired; and oh! the untold agony of those who follow him to yonder prison doors! As I have witnessed those scenes I have wondered if the prisoners in their cells do not ask these questions of the solitude and gloom that surround them: Why is it wrong to drink that which the law says it is right to sell to be drunk? Why should drunkenness aggravate a crime, when men are licensed all over the land to sell that which has made me a drunkard and a criminal, and which annually ruins thousands of my fellow-men?

But the sentences have all been passed, and the business of the court goes on. The attorneys are notified that the court will now take up for consideration the applications for tavern licenses.

A petition is filed, stating that "A. B., a respectable citizen, desires to keep a hotel; that he is a man of good moral character." One wonders why it is necessary to have a good moral character to keep a rum-shop. But that is the law. The petition and certificate of good character are signed by twelve respectable (?) citizens, who certify also to the necessity (?) of such a hotel. It is considered by the court, is granted, and straightway this respectable

citizen with a good moral character is licensed to sell that which he knows will ruin his neighbor, and prompt him to commit crime. And thus the seed is sown; and the next court may expect to gather another such a harvest as but an hour before was gathered into the prison-house of the county.

And so the evil goes on, sanctioned by law and protected by license. At every court the seed is sown, and at every court that harvest is gathered whose reaper is Death.

It is said, "We must not blame the judicial officers of the law for this." That is true, except to hold them to a proper exercise of their discretionary power. "Boni judicis est ampliare jurisdictionem" ("*A good judge will, when necessary, extend the limits of his jurisdiction*") is an old and time-honored legal maxim. Judges are not mere automata, created to execute the letter of the law, regardless of its "effects and consequences." They are supposed to have discretion, and in some instances they have. They are expected to exercise that discretion in such a way as to protect society as far as possible from the effects of a bad law. The liquor law is a blot on our statute book, a disgrace to modern civilization. The evil of intemperance is a putrid sore on the prosperity of our country, and our duty to ourselves and our children demands that we wipe it out by the influence of public opinion at the ballot-box.

It is perhaps true that no law would or could wholly prevent the drinking of intoxicating liquor by those who have already acquired a taste for it.

But the love of strong drink is not a natural but an acquired taste, and those who do not have it will certainly take no pains to acquire it. Let us, then, as far as possible, keep it out of the reach of the young and rising generation. Let us by the strong arm of the law blot out of existence the saloon, with its glittering paraphernalia of ruin and death; let us close the doors that open from our public streets into the dens of debauchery and drunkenness, and future generations will bless us with grateful recollections.

CHAPTER IV.

A DRUNKARD'S WILL.

> "Boundless intemperance
> In nature is a tyranny: it hath been
> The untimely emptying of the happy throne
> And fall of many kings."
>
> —*Shakespeare.*

> "What melancholy sloth, severe disease,
> Memory confused, and interrupted thought,
> Death's harbinger, lie latent in the draught;
> And, in the flowers that wreathe the sparkling bowl,
> Fell adders hiss, and poisonous serpents roll."
>
> —*Prior's Solomon.*

A CLIENT of mine once called on me to draw his will. He was at that time a man of large property. The will was drawn and left in my keeping. In it he made ample provision for the support of his family and the education of his children. Ten years passed away: his property was gone, and he had died a drunkard's death. I stood by his coffin, for he had been my friend, and as the "dust was returned to dust" I thought of the will he once made, and the legacies he now left his family. Yes, I thought of a drunkard's will! It could be written in a few short sentences: "I will and bequeath to

my heart-broken wife the memory of broken vows, blighted hopes, penury, and woe. I will and bequeath to my little children poverty and shame, and to the rest of my kindred I will and bequeath the recollections of a misspent life and the monument of a drunkard's grave." Oh! how many such wills are recorded in the great book of man's destiny and fate! How many such monuments are found in the cemeteries all over our land, not built alone over the remains of those whose feeble intellects have rendered them easy victims of temptation and sin! Go where you will—visit the cities of the dead in every land—and there lie the remains of poets and statesmen, kings and subjects, men of the brightest intellects as well as of feeble minds—hundreds upon hundreds, thousands upon thousands—yes, millions upon millions filling drunkards' graves: for the demon that has so long devastated the earth spares neither rich nor poor, plebeian nor patrician, but all alike are its victims. From him who, with his godlike intellect,

> "——touched his harp, and nations heard entranced,
>
> . . . . . .
>
> Who with the thunder talked as friend to friend,
> And wove his garland of the lightning's wing,

down to him

> "Who never had but a dozen thoughts
> In all his life, and never changed their course,
> But told them o'er, each in its 'customed place,
> From morn till night, fro n youth till hoary age"—

yes, from every station in life, the demon rum demands victims for his altar. The holy vestments of

the church and the sacred ermine of justice are no protection against this demand. Yet a Christian people will by law provide victims for the sacrifice; will grant licenses to tempt men to sin, and then punish those that are tempted; will in the name of the law legalize and license the great source of crime and then punish the criminal. Shame! shame!! on such a law and the people who sustain it. Oh, monstrous incongruity in a people who with the right hand erect churches in the name of the living God, and ask men to repent, while with the left they build prison-houses and scaffolds, and by law tempt men to occupy them.

A CHEMICAL ANALYSIS.

I was once called upon to analyze a bottle of liquor in a case of suspected poisoning. I took it into my laboratory and applied the chemical tests that science had developed, and found only the usual component parts of carbon, hydrogen, and oxygen. No, there was no poison there, such as had been suspected. It was, as the manufacturer stated on the label of the bottle, "pure liquor." My little chemical skill had failed to detect any unusual ingredients.

I sat looking at the suspected compound for a few minutes, when imagination, ever busy with the human brain, said to me: "Oh thou most blind and inexpert chemist, most ignorant of what thou art 'most assured,' is thy scientific knowledge of so little avail? Seest thou no poison there? Look again; regard not the evidence of the alembic and

the retort, but take it into the laboratory of thy recollections of the past and of all human experience, then tell me what thou seest."

I looked for a few moments, and soon I saw its color changed, and on the bottom, the red drops of murder were gathering there; I looked again, and from its liquid depth the ghastly face of suicide looked forth at me, with the glazed eye and livid features of the dead. Again I looked, and pale, haggard want, famine, and wretchedness were floating like motes in the sunbeam in its sparkling contents. And there I saw the mother's grief, the wife's agony, and the tears of the drunkard's children; I saw the ruined hopes of a wicked life and the record of sin and crime. The very bubbles that sparkled on its surface were full of human sorrow, disease, and woe. Yes, although the tests of science had failed to detect them, these terrible ingredients were all there, and not even the contents of the witches' cauldron in Macbeth afforded a more horrible compound than pale Hecates had there distilled in her hellish brews from the fruits of the earth. And I was compelled to go into court and testify that it was "pure liquor," that, in the language of the law, it was not adulterated with any ingredient injurious to health; yet every drop of the infernal compound was full of disease and crime. The bottle was labeled "pure liquor," and it was obtained by the man it had murdered a few hours before from a prominent member of a Christian church, who himself was labeled by the court that granted his license, as follows:

"This man is a respectable citizen, possessing a good moral character, and therefore we license him to sell to his fellows that which contains the germs of sin and death. He is hereby authorized to feed that fatal appetite which is urging so many on that path whose end is a drunkard's grave." And this label was attested by the Commonwealth's broad seal, that ought to have crumbled into dust at the infamy to which it was thus subjected.

When, during the rebellion, the Southern rebels sent the infected clothing from the plague hospitals of the South to the North, to scatter disease and death over the land, the whole civilized world was horror stricken at the deed. It was denounced in every land and by every tongue. And yet, oh! most Christian consistency, we to-day sustain its parallel by law and support it by license. And so long as that law remains on the statute book, every court will be an infected centre, from which disease both moral and physical will spread as certainly as the plague from a pest house, or miasm from the stagnant pool.

The license system is productive of evil and nothing but evil. It is granting a privilege to men to sell that which breeds disease and begets crime. From the hour when the vile compound is first vomited forth by the poisonous worm, amid the sickening vapors of the loathsome distillery, to the time it maddens the brain with demoniacal frenzy, the trail of the serpent is all along its pathway—rapine and sin its legitimate offspring. Without one redeeming

trait, it passes along all the by-ways of human life, through the fashionable parlors of the refined circles of society, through the public bar-rooms at our popular hotels, through the glittering saloons that line our public streets, down through the lowest haunts of vice in our great cities, and all along its course it leaves nothing behind it but human sorrow, disease, and crime. And yet, shame on the enlightenment of the nineteenth century, a Christian people license its sale by deliberate enactments of the Legislature, and sustain it by the decisions of our courts, while they expend millions of money to send missionaries to the heathen, and religious tracts to the Islanders of the far-off sea.

Verily, there is a missionary work to be done at home, and a beam to be removed from our own eye as well as a mote from that of our neighbor's.

For my own part I deserve no credit for my hatred of intemperance and the laws that sustain it. It was instilled in my youthful mind where I learned my infantile prayers, at my mother's knee. It has grown with my growth, strengthened with my strength, and after all I have seen of its evils in our land, its bloody record of crime in our courts, the wide-spread ruin it has scattered around, the wrecks of noble minds destroyed by its influence, with all the wretchedness and woe it brings to the family circle, after all this, which must be apparent to every one, I have no patience with any man who advocates the license system and its certain consequences, intemperance and crime, and when I meet such a one,

who, in its support, lies to his own conscience and sins against light and knowledge, I do not feel like arguing the question with him, but I do feel inclined to apply to him epithets—well, to say the least of it, epithets that would sound much better coming from the lips of a lawyer than from a minister of the gospel.

CHAPTER V.

LAW AND LEGERDEMAIN.—THE END JUSTIFIES THE MEANS.

"And the stars shone down from the midnight sky,
And the moon from its home of blue
Look'd out on that night of revelry
And that shouting Bacchanal crew;
But desolate the hearts
Of those that loved them well,
For sorrow's poison darts
Upon their bosoms fell."

—*Lalla.*

"And lead us not into temptation, but deliver us from evil."

"Judge not that ye be not judged. For with what judgment ye judge, ye shall be judged."

THE incident I am about to relate occurred twenty years ago; and while I am well aware that my course in the trial of the cause may not meet with the entire approval of the members of the legal profession, and perhaps not of all my readers, yet I ask that you suspend your opinion until you hear the whole case, or as a judge would say to a jury: "Gentlemen, you will come to no conclusion, and try not to form any opinion, until you hear all the evidence, the argument of the counsel, and the charge of the court." I ask this of my readers; wait, gentlemen

of the jury, until the evidence is all before you, until you have heard the counsel, and the charge of that inward monitor, your conscience, which is the court before whose tribunal every act you do should be able to justify itself, for the time will come when every page of the record kept by conscience in your hearts shall be a witness, either accusing or excusing you, before that dread court into whose sacred precincts no error can come, and from whose investigation no secrets are hidden; before that Judge whose all-seeing eye sees every act of man, and whose all-hearing ear hears the most silent whisperings of the human heart, even before the tongue hath given them utterance.

The little village of S——, in our county, had acquired a population of several hundred; it had a store, a post-office, two churches, a school-house, and several shops. The people of that quiet little hamlet were prosperous and happy; yes, happy in their ignorance of what was necessary for their own welfare and the public good. For so strangely benighted were they that, as yet, they had no licensed hotel to spread its legalized blessings around, as the deadly pestilential dew falls on some of the countries of the burning zone. For years this little village had nestled among the fertile fields of Western C——d, and so far as the records of our criminal court showed, its existence was unknown at the county seat, for no criminal case had ever been "sent up" from its law-abiding precincts. But the march of improvement and Christian enlightenment is ever

onward and upward. There came an enterprising man, and, unfortunately for the little village, he was a man of "good moral character," and therefore a fit recipient for the favors of the court. He proposed to purchase a corner lot in the place, and erect thereon a fine hotel. The good, staid, and sober old burghers of the town were in ecstacies over the contemplated great improvement; it was just what was wanted to make S—— an embryonic New York, and the price of village lots went up with a bound.

Time passed on; the hotel was completed, furnished, and was to be opened on the 22d day of February. An application had been made for a license, and, if it was granted, the proprietor proposed to give a grand free ball on the night of the opening, at which time the well-stocked bar was to be so free that those who attended could sin without money and without price, he well knowing that the seed thus sown would in time yield him an abundant harvest, though the gathering might leave behind the barren stubble-field of drunkenness and crime.

Of course the license was granted. The proprietor was, as I have said, unfortunately a man of good moral character and temperate habits. Deacon A, of the Baptist Church; Class-leader B, of the Methodist Church; Elder C, of the U. P. Church; Doctor D, 'Squire E, and a number of lesser lights of the society of the village signed the certificate of the proprietor's good character, believing that all that was required to make the little town happy and prosperous the rest of their days was a legalized place to

commence to manufacture drunkards, and as it was the only manufacturing establishment of any kind in that section of the country, all were overjoyed when the news came that the glorious prerogative to sell whiskey was granted to the proprietor of the "UNITED STATES HOTEL" at S——.

Time, bearing in its womb the future joys and sorrows of men, moved on; the 22d day of February came at last, and all the lads and lassies for miles around were there. The bar was open and free—and

"There was a sound of revelry by night
And Western C—— had gathered then,
Her beauty and youth; and bright
The lamps shown o'er fair girls and young men;
A hundred hearts beat happily; and when
The *fiddle* sounded with its voluptuous swell,
Soft eyes looked love to eyes which spake again,
And all went merry as a marriage-bell;
But hush, hark! a deep sound strikes like a rising knell:
Did ye not hear it? Yes; it is a drunken yell."

What is it? Oh, nothing, only there is a row down stairs. Some young men, who had never been accustomed to drink before, because the law had never placed it so conveniently within their reach, had got drunk and were fighting in the bar-room.

"On with the dance; let joy be unconfined;
No sleep till morn when youth and pleasure meet
To chase the glowing hours with flying feet—
But hark!—that heavy sound breaks in once more."

Oh, yes, the fight is going on; there was an armistice for a time, just long enough for the belligerent parties to take another drink in maudlin friendship

and reconciliation, when, with curse and blow, it commenced again.

> "And then there was hurrying to and fro,
> And gathering tears, and tremblings of distress,
> And cheeks all pale which, but an hour ago,
> Blushed at the praise of their own loveliness."

And there were sudden partings and choking sighs, accompanied by ejaculations, as "Sam, now don't go down stairs and get into a fight"; "Oh, Bill now don't drink any more," etc., as each gentle maiden admonished her lover in tones so timid and sweet, one would hardly suppose that a few years of connubial bliss could ever develop them into stern admonitions, like those in which Tam O'Shanter's wife "told him what she thought of him."

Yes, there was a row in the bar-room; free whiskey had ended in a free fight, as usual, and one Henry D., the son of a widow, who lived a mile or two from the place, had, in a fit of drunken frenzy, with his naked hands, struck a stand of glasses that stood on the counter and dashed them on the floor. The broken glass had cut his hand severely. One of his companions, William W., had taken from Henry's pocket a white silk pocket handkerchief, and wrapping it around his bleeding hand, tied the corner ends together. The young man left the hotel with several others, and was at home in the morning, but he was so drunk that he forgot the important fact that he had taken a young lady to the dance, until he was reminded of it in a somewhat emphatic manner by the young lady herself the next day, she

being at that time an inmate of his mother's house.

William W., who tied the handkerchief around Henry's bleeding hand, was the owner of a small store that stood near the canal. His stock of goods consisted of coarse clothing, usually worn by boatmen, and a general assortment of boat supplies. He was a man of low associations and bad repute. His store was the nightly resort of boatmen and roughs, who live along the water thoroughfares of the country, and those ladies who do the "*cuisine*" on board the floating palaces of our canals. That night William was at the dance until nearly daylight. In the morning he discovered that his store had been entered by burglars, through a window in the rear, the thieves breaking a light of glass for that purpose. A quantity of goods had been stolen, mostly rough clothing, boots, and shoes, but, as he alleged, of the value of over two hundred dollars.

No trace of the burglars was found. Time passed on until the month of June, when some men who were removing the hay from an old hay-barn that stood in a meadow near by, found concealed under it the stolen goods, tied up in a large, coarse woolen shawl. On opening the bundle, among the goods was found the handkerchief of Henry D., that had been wrapped around the bleeding hand. It was spotted with blood and still remained in a coil, just as the hand had been withdrawn, leaving the very impress of the fingers inside the coil.

Every one was astonished at the development.

Henry D. had always sustained a good character. He was never known to drink before or since the night of the ball, was well off, his father having left him by will a large and well-stocked farm. He was an only son, the idol of an aged mother, and withal he was about to be married to the young girl he had taken to the ball. He was universally popular among the people, and the discovery fell upon the quiet little village like a flash of lightning from a clear sky. William W., the owner of the store, made a complaint, charging Henry with the crime of larceny and burglary. Henry was arrested and committed to jail to await a hearing, as he either would not or could not give any satisfactory explanation about the handkerchief.

Thus the case stood, when one evening, as I was seated in my office, communing with myself and my meerschaum, I heard a light knock at my door; I opened it, and a very pretty young girl entered and inquired if I was the lawyer who cleared persons accused of crime. I told her I was a lawyer, and that I sometimes defended persons on criminal charges, that is, when I was perfectly satisfied that they were innocent (?). "But he is innocent," she replied, with emotion; "he never committed a crime in his life; he is an honest, good young man, and would not do a mean thing."

Poor child, I thought, what a pity it is that your idol is made of clay.

I gave her a seat, and inquired who the person

was who was so fortunate as to enlist the services of so effective an advocate in his behalf.

"Was he a brother?"

"No," she answered; "he is no relation to me;" and her beautiful lips quivered, while a blush, red as the hue of the morning, stole over her cheek.

"Why do you feel so much interest in one accused of crime, and who is no relation to you?" I inquired, with a malicious satisfaction, when I remembered that I was getting old and had lost all those charms for which I was so eminent in my youth (?).

"Who is he?" I again inquired, as she hesitated to answer my former question.

"Henry D., of the town of S——, and he is accused of robbing a store," she replied at length, "but he is not guilty, I know he is not. It cannot be possible he would do such a thing."

"Is he the son of David D., my old friend and schoolmate, who died a few years ago?" I asked.

"Yes," she said, and then, in a voice broken with sobs of anguish, she related the occurrence I have narrated. She further informed me that his mother was living, but in very feeble health, and that she did not know of the accusation against her son; that the neighbors had taken care not to let the terrible secret enter her sick-room, for fear that it would kill her; and, "Oh," said the young girl, "Henry was always such a good young man; he never drank before the night of the ball in his life. Oh, can you clear him?" she asked, looking at me with such a pleading expression of countenance that, al-

though I am not very susceptible to female influence and charms (?), it went directly to my heart, and then, by a circuitous route, reached my brain some minutes after; and when she again asked me if I could clear him, I was ready to say yes, most emphatically, although I could not see how it was to be done.

I went with her to the jail and had an interview with Henry, a fine-looking young man, whose open, ingenuous countenance gave the lie to the charge against him, no matter what the circumstances might indicate.

He told me he had never taken half a dozen drinks of liquor in his life, had no taste or desire for it, and only drank on the night of the ball because it was free; every one was drinking, and he was urged to drink by the proprietor and a number of his friends. He said that after he became intoxicated he did not remember what happened, but had an indistinct recollection of cutting his hand, and said it seemed like a dream to him that himself and another young man, who was also drunk, went to William's store and took the goods. The young man he thought was with him denied it, and Henry would not tell his name, for, said he, "neither of us could have intended to steal the goods. I would not take William's whole stock as a gift. I could not use them; they are coarse and cheap and only intended for canal-boat trade. But I am afraid I took them, for the more I think of it the more I seem to recollect it, yet I never thought of it until the goods were

found, and my handkerchief among them; then it seemed to come to me like the recollections of a half-forgotten dream."

The young girl and myself left the cell; that is, I left first, and just now, while I think of it, I believe she remained behind a moment. I thought I heard a faint sound like an echo from my young days. But I am ready to testify in any court where the question may become important that I don't remember what it sounded like. Perhaps it was the click of the door-latch, although I am afraid there is no latch on the door of a prison-cell; but no matter, only it made me more determined to procure his acquittal if it was "on the cards."

While returning to my office, an idea struck me with considerable force. The phenomenon was so unusual that I remember it distinctly.

I asked the girl if Henry had any more handkerchiefs like the one found among the goods; she said he had a number, she had hemmed them for him. She also told me that on the night of the ball she had taken Henry's handkerchief and tied a very small knot in one corner, a knot commonly called by young people a "love knot." It was so small that it would hardly be noticed, and she desired me to look at the handkerchief found at the first opportunity, and see if there was such a knot on it, for if it was not there, then it was not Henry's.

The hearing before the magistrate was to take place the next day but one, and I sent her home with instructions to bring me in one of the handker-

chiefs the next day, but to be sure and let no one know it. She started home, aud I went to my office to think.

And while Ellen has gone after the handkerchief, let me ask of the public, that may be disposed to judge me harshly, a few questions.

What right has the State, for the sake of the price paid for a license, to grant the proprietor of the UNITED STATES HOTEL the privilege of tempting young men to get drunk, and in consequence thereof to become criminals? What right has the State to tempt the rising generation to become drunkards? What right to authorize anyone to sell insanity, or give to another a loathsome and deadly disease? Has a druggist a right to sell or give arsenic or prussic acid to one he knows will be injured by the poisons? Has the State the right to grant a license to do so because it puts money in the public purse? We punish the defaulter to the Government who has stolen or embezzled the public money of which he was the custodian. Is it any meaner or more wicked to steal from the Government than for the Government to rob the citizen of his health, his money, and his reputation, by the license privilege which does all these and much more? Had the Government a right through its legalized emissaries to ruin this poor widow's son and break her heart for the purpose of increasing the public revenue? Is the legal maxim true: "Actus legis nemini facit injuriam" ("*The act of law is prejudicial to no one*")? No, it is not true; it is a specious lie, and will be so long as the license law disgraces our statute book.

But Ellen has returned with the handkerchief, and we will proceed with our story.

The hearing was before A. C., a magistrate in our city. There was a long, high desk at one end of his office, behind which he sat during the examination. I stood behind the desk at one end. The prisoner, witnesses, and audience were in front. I had procured a newspaper, which I opened and spread upon the top of the desk, and stood reading it while the preliminaries were being arranged. The handkerchief was produced, and while I was cross-examining the principal witness, I carelessly spread it over the newspaper I had been reading, and with a pin, unseen by any one, I punctured the handkerchief and paper around the margin of the blood spots. This I did while I was cross-examining the witnesses and "quarreling" with the District Attorney.

When the examination had concluded and the defendant had been held under bail for his appearance at court, I requested the magistrate to enclose the handkerchief in an envelope, and keep it until court. I did this because I feared some one would discover the love knot, which I found as Ellen had related. I then returned to my office with the punctured newspaper, making a complete map of the blood spots. Next, spreading out the handkerchief Ellen gave me, and the punctured newspaper over it, with a tuft of cotton, I dusted red lead over the pin holes, and on removing the paper there was a map of the spots on the handkerchief. We had chicken for dinner that day, and a vial of its blood found its way

into my office. With the blood and a small brush I saturated the spots marked on the handkerchief, let it dry, laid it away, and awaited the time of trial.

It came at last, in the month of August. The jury was impaneled, and the District Attorney opened the case. By the side of the prisoner sat his mother and affianced bride. Ellen was really a very beautiful girl, and while the Commonwealth's counsel was stating the facts he intended to prove, she looked at the jury with such a startled, pleading expression in her tear-dimmed eyes, that I thought to myself, Well, gentlemen, if you can disregard that "item of evidence," you are made of different material from any jury I ever selected.

The witnesses were called and the facts proven in substance as I have narrated, up to the identification of the handkerchief. When the District Attorney called the name of William W., I felt the blood rush to my heart in a way that almost silenced its beating. The crisis was at hand. I knew if I failed the young girl would be heart-broken, and I believed it would kill the poor old mother, whose heart was bound up in her idolized son. Not only this, but the defendant, as honest and worthy a young man as there was in the country, would be branded as a felon, sent to prison, and ruined for life; and all this because the infamous license law had spread its poisonous influence over the little village of S——, and tempted its young men to vice and crime.

The witness, William W., came upon the stand with a supercilious [illegible] full of the importance of his

position, as principal witness against a defendant in a case that excited so much interest in the county. I knew he was a deep-dyed villain at heart, whose loftiest thoughts and best acts were so mean and low that the lowest and worse thoughts and acts of the prisoner at the bar had never yet descended to their level.

In my practice I have observed that there are two kinds of witnesses who appear in our courts. One class will tell a lie so adroitly that it will look just like the truth, the other will tell the truth so bunglingly that it will look just like a lie. Fortunately for my client, William belonged to the latter class, and when he tried to mix truth and falsehood together he made a most lamentable failure. The fact was that he had tried to become a suitor of Ellen, and moved now by jealous hatred toward his successful rival, I believed he would hesitate at nothing that would procure that rival's conviction.

The witness narrated the occurrence at the ball, the broken glasses and bleeding hand; and when the handkerchief was handed him he identified it without hesitation as the one he had taken from Henry's pocket and wrapped around his hand. When the Commonwealth had ended the examination in chief, the witness was handed over to me for cross-examination. I sat behind the counsel table. Close to me, on one side, sat the mother; on the other side Henry and Ellen, to whom, my impression is, I had given some instructions before the trial commenced. It is so long ago, however, that I may have forgotten.

The handkerchief lay upon the table. The one Ellen brought me was in a small roll in my lap under the table. I took the right handkerchief in my hand and proceeded with the cross-examination. My first object was to get William angry. In this I succeeded most completely; for when I proceeded to ask him about his store, and if it were not a place of nightly resort for canal thieves, gamblers, and canal-boat cooks, to say that he was angry conveys a very faint idea of his mental condition.

While our amiable interview had been proceeding, I accidentally dropped the right handkerchief in my lap, and somehow, by mistake perhaps, picked up the wrong one and laid it upon the table in sight of the jury. The court, audience, and jury had become so interested in the "unpleasantness" between the witness and counsel that the mistake was not discovered. Henry took the right handkerchief and put it in his pocket. By this time the amiable William would have testified to anything—that the moon was a cheese, for instance, or any other equally credible statement—had he deemed it necessary to secure a verdict of guilty.

I then took the handkerchief from the table, passed around in front, near to him, and asked the following questions as rapidly as the answers would permit:

Question. Did I understand you to say that you were positive that this handkerchief is the one you tied around the defendant's hand the night of the ball?

Answer. I don't know what you understood, but I said so.

Q. (still holding the handkerchief in my hand). What is there about this handkerchief that makes you so positive?

A. The spots of blood; and it is of white silk with raised flowers on it. I know it is the same one.

Q. Now, sir, did you not say to Mr. C. that, if necessary, you would swear to a lie to send Henry to the penitentiary?

A. (witness in a greater rage, if possible, than before). No, sir, I did not say so. It's a lie; I never said it.

Q. (handing the witness the handkerchief). Now take this handkerchief and show the jury any marks there are on it that make you so willing to swear to it, if you can, and tell the truth.

Witness took the handkerchief, opened it, and pointed out the blood spots to the jury, and said: "I know it is the handkerchief; I cannot be mistaken."

Q. You can't! Don't you sometimes make mistakes, or are you always right and never wrong?

A. You need not try to make me say anything else. I know this is the handkerchief.

Q. Now, sir, is not *this* the handkerchief? Henry (turning to the defendant), give me your handkerchief.

He took the right handkerchief out of his pocket and handed it to me. I took it, and, holding it out to the witness, asked, with all the severity of tone I could: "Now, sir, is not this the handkerchief?"

To say that the witness was astonished is mild. That he was confounded was certain. He took the handkerchief, looked at it, and, completely broken down, said he could not tell, but he believed the one he held in his hand was the one. This was the one Ellen had brought me.

This ended the cross-examination, and "the Commonwealth rested."

I opened the case for the defense. I don't know what I said, but I tried to do the subject justice.

I then called Ellen to the stand. She burst into a flood of tears, and for some time was unable to speak. Her relation to the defendant was well understood, and many eyes in the court-room were moist with manly tears.

The Judge, a most excellent old man, and a fine lawyer, spoke kindly to her, and as soon as she was able to proceed I commenced the examination. She narrated the occurrence at the ball, and when I handed her the handkerchief Henry had taken from his pocket before the jury and given to me, she identified it in the most positive manner; showed the love-knot on the corner that she had tied in the ball-room before the fight, and also stated that she knew it was his, for she hemmed it.

I now trembled for fear the District Attorney would ask her if she did not hem both handkerchiefs, and feared her answer would lead to a discovery I most certainly did not desire. I therefore immediately asked a question possibly not justified by the rules of evidence. The District Attorney ob-

jected, of course; I insisted; and soon, amid the smoke and noise of the legal battle, her answer was forgotten, as I hoped it would be.

The District Attorney commenced the cross-examination in a very harsh tone and manner, by asking the witness the nature of her relation to the prisoner. This was to show the jury the interest she felt, and to affect her credibility. At this she commenced to cry, and her tears and sobs were more eloquent than words. The jury looked at the "hard-hearted" attorney with an indignant expression, and I felt that the case was safe, particularly if Ellen would only continue to cry a little longer. This she did, until the counsel for the Commonwealth, fearing he might prejudice his case, told her she might retire. Oh! what a weight was off my mind!

I then called a score of witnesses to prove that the defendant had always sustained a most excellent reputation, and rested my case.

I commenced the argument for the defense; what I said I don't recollect. I spoke of the uncertainty of circumstantial evidence, and that white silk handkerchiefs were common enough in the stores of the country; that when Henry cut his hand with the broken glass in the bar-room, it was a natural thought, from the circumstances, that led the witness, Mr. W., to wrap the handkerchief around the wounded hand. If the burglar, in entering the store, broke a pane of glass, if he had accidentally cut his hand, it would be most likely that the same thought, begotten by similar circumstances, would

suggest to him or his companion, if he had any, to wrap it up with his handkerchief. He was as likely to be the owner of a white silk one as the defendant. The rule of law was: That "*in circumstantial evidence, the inculpatory facts must not only be consistent with guilt, but absolutely incompatible with innocence.*" I said something about the mother and young girl, and the tender relations existing between her and the defendant; and when, in conclusion, I spoke of hotel and license to make drunkards of the rising generation, I think I made one man at least, with a good moral character, wish his reputation had been so bad that the court had refused his license. When I closed the case, I knew by the expressions on the faces of the jury that Henry was safe.

The District Attorney made an able argument; but when did either law or logic ever succeed against a woman's tears? Says the proverb of the Talmud: "*Men should be careful lest they cause women to weep, for God counts their tears.*"

The Court charged the jury favorably; they retired, and in a few moments returned with a verdict of Not guilty. It was received with every manifestation of approval; in fact, the court had to suspend business for a few moments, while Henry was receiving the congratulations of the people.

Yes, Henry was acquitted, and although it was accomplished as much by legerdemain as by law, and may not meet with the approval of every one, yet I have never regretted my acts in the case. Why should I? I had done nothing but procure the ac-

quittal of an honest young man who was made insane by a man who had a license to do so, and while in that mental condition had committed a crime. But for the agencies of the law he would never thus have sinned; and if ever the Jesuitical doctrine was true, that "*sometimes the end justifies the means,*" it was true in this case.

I am not much skilled in casuistry or ethics, but I am forcibly struck with the doctrine enunciated in the prayer of Brudder Brown at Bill Hooker's ball:

> "Rember, mahsr, mm dis now: de sinfulness ob sin
> Is 'pendin' 'pon de sperrit what we goes an' does it in."

And if the legal profession disapprove my course, and the general reader shall not approve it, yet I am satisfied to know that long after the trial I was remembered in the prayers of a Christian mother, and in petitions to Him on high from the pure lips of her whose betrothed I had saved from undeserved ignominy and shame.

I have practised law twenty long and weary years since the event above narrated, and have received some very satisfactory fees; but never have I felt the pleasure at the reward paid me that I did when, at parting with my clients, the poor old mother, who had been well-nigh heart-broken, took my hand in hers, and, while the tears streamed down her cheeks, said, "God bless you, Mr. R——, I will pray for you as long as I live. Henry is no criminal. He never would have done it but for the liquor he

drank at that accursed hotel; and I almost pray that God's lightnings may strike it that it may ruin no more young men, and bring sorrow to no more mothers' hearts."

But no, the lightnings did not strike it. It stood there for many years like the Upas in the valley of death; licensed by law to ruin men, bring families to want—to make paupers and criminals, and bring poverty and sorrow to many households—until at last it was burned by the hand of an incendiary, and that hand the hand of a woman whose husband was made a drunkard at its bar; who was brought from affluence to absolute beggary by its influence; and who, made almost insane by her terrible wrongs, believed that retributive justice demanded its destruction. She was tried for the crime of arson. I defended the poor, half-crazy thing, and when the jury brought in a verdict of not guilty, she arose to her feet and said to them: "Thank you, gentlemen! I would not have done it, but it ruined my husband, and I was afraid it would ruin my two sons, who took to drinking at its bar. One of my boys came home drunk from there, and knocked his poor old mother down, and then God told me to set it on fire, and I did, and I praise the name of the Lord who helped me to do it. Thank you, gentlemen, thank you?"*

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* *In judging thy neighbor's acts, two things are to be considered: the motive and the end attained. If the motive be good and the end attained be justice without wrong, it does not matter by what means it was accomplished.*—MAXIM OF THE JESUITS.

CHAPTER VI.

TRUTH STRANGER THAN FICTION.

"His very judges wrung their hands with pity;
Their old hearts melted in them as he spoke,
And tears ran down upon their silver beards."

—*Rowe.*

"'Little by little,' the tempter said,
As a dark and cunning snare he spread
For the young and unwary feet;
'Little by little, and day by day,
I will tempt the careless soul away,
Until the ruin is complete.'"

—*Anonymous.*

THE Sheriff of our county once called at my office and said to me: "I wish you would go to the jail and see a prisoner in cell No. 2, who has been committed for burglary. I do not believe he is guilty; he is a man of education and has undoubtedly seen better days, but is now a drunkard."

I asked what the evidence was against him.

He informed me that an extensive burglary and robbery had been committed, and the burglars had been traced to a low drinking house in the purlieus of vice in the city. The officers had broken into the house just as the thieves were dividing the booty;

but they had all escaped through a back cellar-way except this man, who was too drunk to do so.

I went to the cell, and saw there a middle-aged man seated on his cot, his head resting on his hands. There was an expression of heart-broken misery on his countenance that is never seen on the face of a hardened criminal. I told him I had been requested by the Sheriff to call and see him, and asked him if I could render him any service.

He said I could not; that he did not want an attorney; had no money to pay one, and did not care what became of himself.

I soon discovered that he was a man of culture, that he was not a common thief, and became interested in him. For some time he was very reticent, but said he was entirely innocent of the crime charged against him, yet the evidence was so strong he had no doubt that he would be convicted; he hoped he would be, so that he might the sooner get rid of the world and the curse which had followed him through life.

I left him for the time, yet I could not banish him from my mind. The expression of hopeless misery and deep-seated sorrow on his face haunted me all that day. Somehow I was impressed with the idea that he was really innocent, but that, broken down in health and fortune by the curse of strong drink, he desired to be imprisoned to be placed out of the reach of temptation.

A few days after, I was again called to the prison to see a man who had been committed for man-

slaughter, which had occurred in a drunken row at a political meeting. As I passed the cell of the prisoner who had so much interested me, I saw him standing at the window looking through the grating at the outside world smiling under the influence of a June morning.

I spoke to him. He turned, and, with the manner of a polished gentleman, thanked me for my former words of kindness and my offer to defend him. I seated myself in his cell, and by degrees led him to talk of himself and his former life. At last he gave me his confidence, and told me his history. He had inherited wealth from his ancestors, and with it, as is too often the case, habits of idleness and dissipation. He had been a "man about town," with money to spend freely, and no one to control or guide him. At the fashionable parties and gatherings, where the wine-cup circulated freely, he acquired a taste for stroug drink, which increased with indulgence until it became almost irresistible. For a time he was able to conceal his weakness, or to confine the knowledge of it to the circle of his equally dissipated associates. "And here," he said, "my crime commenced—a crime deeper and more wicked than the one of which I am now accused. Yet the law knows no such crime, though none are blacker in the calendar of human iniquity. If a man perpetrates a fraud on his fellow in a business transaction, the law will interpose to right the wronged; but if a man, by fraud, wins the pure and innocent heart of a woman, she has no redress, and the law does not

punish the fraud. At one of the fashionable parties I attended I became acquainted with Agnes C., a beautiful orphan, who was on a visit to some friends in the city. Young, inexperienced, and lovely, she attracted my attention, won my love, and in a few weeks we were married. Our wedding was the event of the hour, for I was wealthy and she possessed marvellous beauty.

"We spent two years in Europe—a winter in Paris, that centre of European fashion and dissipation. By the time of our return I had become a confirmed drunkard and my wife almost heart-broken. My friends remonstrated with me in vain. I was chained to the rock like the victim on Mount Caucasus, and the vulture intemperance was tearing at my vitals. One cold, stormy night I came home from a drunken carousal reeling and maddened with drink. My poor wife, frightened and in tears, fled from me to another room. This enraged me. I followed her, and in my insane madness struck her a blow that felled her to the floor. I then dragged her to the door, and threw her out into the street in the snow and storm, and went to my bed to sleep the sleep of a drunkard. In the morning I awoke late, and missed her from my side. For some time I was so confused that I could recollect nothing, but soon I remembered all. I hastened to the door. The steps were covered with new-fallen snow, but I could see no track or find any trace of her. She was lost to me for ever. Now thoroughly sobered by my agony (for I loved, yes, worshipped my beautiful wife), I

immediately made every effort to recover her. A policeman remembered that a woman, thinly clad, passed him on his beat, wringing her hands and crying; that a man also passed, overtook her, and after a few words took off his cloak, threw it over her, and they passed out of sight.

"That was ten years ago; I offered large rewards for any information that would lead to her recovery, but all in vain. Conscience-stricken and almost heart-broken, I sought forgetfulness in foreign travel; I visited Baden-Baden, where, reckless and careless of everything, I lost nearly all my fortune in gambling and dissipation. A few months ago I returned to this country. On the night of the burglary I was induced by some of my dissipated companions to visit one of those hells of infamy that poison the atmosphere of your city; we entered a room where there were a number of persons of both sexes, and there, on the lap of a drunken ruffian, sat my wife, while he with his polluted hand was toying with the ringlets of her hair, and I saw him press his drunken lips to that cheek that once I had not permitted even the summer wind to kiss too rudely. Yes, there was my wife, the proprietress of that temple of sin, its owner and chief attraction. For a moment I looked at the ruin I had wrought, then fled to the street and the nearest rum-shop, and remember nothing more till I was in the hands of the officers, accused of a crime of whose commission I was entirely ignorant. Do you think it is in the power of your laws to increase the punishment of a

conscience guilty as mine, or to increase the fires of hell that burn in my bosom? No, let it come. Let me hide myself in prison from the sight of my fellow-men, and if I die, let them throw my body to the dogs in the street. I deserve all, and far more than your laws can inflict."

I left him in a frenzy of remorse and mental agony such as I never wish to see again. The trial came on. My client was brought into court, and when arraigned and asked the usual question, if he was guilty or not guilty, refused to answer, "*standing mute,*" in the technical language of the law. The court ordered a plea of not guilty to be entered for him and the trial to proceed.

No direct evidence was produced against him, and the only thing proven that implicated him was his presence in the room with the burglars and their booty, and that a cloak thrown over him in his drunken sleep was identified by the man whose house had been robbed.

I made every effort to save him I could, but in vain. I scanned the indictment closely, and although an old common-law pleader would have found in it abundant reasons to "*quash*" or to *move the court in arrest of judgment,*" our loose-jointed code ignored all the time-honored rules of criminal pleadings, and it was sufficient.

The conduct of the defendant in refusing to plead when arraigned and the surrounding circumstances were deemed conclusive proof by the jury, and they soon returned with a verdict of guilty.

He heard the verdict with the stoicism and indifference which despair alone can give, and at the close of the term he, with other prisoners, was brought into court for sentence. When asked by the Judge if he had anything to say why the sentence of the law should not be pronounced upon him he calmly arose and said:

"I have a few words to say to your Honor; not to ask for mercy, not in hopes of any mitigation of my sentence, for although I am innocent of the crime of which I am convicted, yet I deserve all the punishment the law prescribes, and infinitely more. This man by my side, who has been convicted of killing a fellow-being, is not so guilty as I am, and if justice is meted out here as it should be, you will take years from his punishment and add them to mine. No sentence this court can pronounce will be undeserved by me—no penalty the law can inflict can add anything to what I now suffer. You have convicted me of robbing a man of his property. Oh, most venial offense! What is that accusation to one who has brought utter and irretrievable ruin on the being he most loved on earth, who by his acts has robbed a human soul of its purity and innocence, and heaven of one of its angels?"

He dropped into his chair, and with his head bowed on his hands, seemed convulsed with remorse and grief—

> "While every sob—so mute were all—
> Was heard distinctly through the hall.
>
> . . . . . .
>
> And eyes that mock'd at tears before
> With bitter drops were running o'er."

The Court was much affected at the scene, and even the old "hard-headed" lawyers in the bar, who for years had not shed a tear (unless paid for it) looked on with sympathetic features and moistened eyes.

The Judge, a kind-hearted old man, struck by the language and manner of the prisoner, told him he would suspend the sentence in his case for a few days, and remanded him to prison.

That evening his Honor called at my office to make inquiries about the prisoner. I told him his story, and assured him of my belief in his innocence of the crime of which he was convicted. The Court finally sentenced him to two years' imprisonment in the Western Penitentiary. He seemed disappointed at this, and even censured me for my interference in his behalf.

About a year after the trial, a keeper of a *bagnio*, a very beautiful woman, was sent from our police court to the work-house for one year.

Time passed on, and other scenes of crime and sorrow had almost obliterated from my memory the events narrated. The Sheriff had moved West a year after the trial, and I had almost forgotten my interesting client and his sorrowful story; or if I remembered him at all, it was but as one of the many hundreds of victims of rum who had told me the tale of their ruin. Ten years had gone by, when one day I received the following letter from Sheriff K.:

"KANSAS, July 10, 1870.

"FRIEND RICHMOND: I have a story to tell that

will interest you. You remember your old client S., the man you defended at my request for burglary, who refused to plead in court, and who made a speech to the Judge before being sentenced that made even you cry. Well, last week I had some business at the little town of R., in western Kansas. I left the railroad station early in the morning, and with a horse and buggy I started across the prairie to the village where my business called me. The country is sparsely settled. A few miles from the railroad station, I came to a beautiful little cottage, nestled in a clump of trees. It was a very gem of architectural beauty and taste. A few cultivated fields enclosed by a hedge added to the beauty of its surroundings. As I passed along I saw a man and woman among the shrubbery, while two little children were playing on the grass by their side. I stopped for a moment to inquire the distance to R., when the man stepped forward, and in tones that seemed the echoes of past memories, gave the desired information. For a moment we conversed together, when he asked me if my name was not K., and if I had not once been Sheriff of C—— County, Pa. I answered that I was the man—when he came forward, grasped my hand with the fervor of an old friend, and your old client stood before me. He introduced me to his wife, a fine-looking matron, and invited me to stop, in a manner not to be resisted. I staid with them a few hours and learned the sequel of the tale he told me when I was taking him to prison. You are familiar with it. He served his time and

left the prison the same day his wife's term had expired in the work-house. They met by accident in the street, 'and,' said he, 'she had more to forgive than I had; we came here unknown, and here with the remnant of my fortune I built this home. Most of the work on the cottage was done by my own hands, and we are happy. I have not tasted intoxicating liquor since the night of the burglary. God has forgiven us both our sins, and we have forgiven each other.'

"Now is not truth stranger than fiction?

"Your old friend,

"S. G. K."

CHAPTER VII.

THE TEMPERANCE LECTURER WHO HAD ONCE BEEN A TEMPERATE DRINKER.

> "Fly drunkenness, whose vile incontinence
> Takes away both the reason and the sense;
> Till with Circean cups thy mind possest
> Leaves to be man, and wholly turns to beast."
>
> —*Thomas Randolph.*

> "And sorrow and repentance and despair
> Among them walked, and to their thirsty lips
> Presented frequent cups of burning gall."
>
> —*Pollock.*

In ancient times both the members of the bar and the clergy were much given to strong drink. In fact, every one drank liquor more or less. It was the custom of the early settlers of this country to keep a bottle of whiskey on a shelf or the bureau in the family sitting-room, and when a neighbor called he would take down the bottle and glass and take a drink with as much freedom and nonchalance as one would now take a drink of water.

In the days of my childhood, in southern Indiana, my father's house was the home of the traveling Methodist preachers who "rode the circuit" in that

new country. And often have I seen them come into our house, and without waiting to remove cloak or wrapper, walk to the bureau, and from a bottle of whiskey or peach brandy, always kept there, take a drink that, for size and the evident relish with which it was imbibed, would shame a modern toper.

"*Drink no longer water, but use a little wine for the stomach's sake,*" was a passage of Scripture most familiar, and often have I heard it drop from ministerial lips over the social evening glass which enlivened the moral doctrines and theological questions of the hour. No one thought it wrong to drink, even to the verge of excess. And many an eloquent sermon of that day owed its fervor and inspiration as much to the spirit of the wine cup as to that of Divine grace.

I well remember when in my childhood I heard that a temperance lecturer was in our village, and was to lecture that evening, how the good and sober people were excited, and how they wondered what he would have to say. And as the lecturer himself walked the streets on his way to the hall where the meeting was to be held, he attracted as much attention, and was as much an object of curiosity, as the first white missionaries were to the Fiji Islanders. I well remember the indignation created by his first lecture. He was an eloquent speaker, and portrayed the evils of intemperance in vivid colors and in words never to be forgotten. He hurled the anathemas of the Scriptures against drunkenness and strong drink, at the ministry, who by their example,

as temperate drinkers, themselves led their flocks into temptation and vice; and when he produced a temperance pledge, the first I ever saw, and with earnest, thrilling words asked his congregation to come and sign it, the preacher of the circuit arose, and in no amiable tones warned the people to beware of the "fanaticism of the hour," as he expressed it. He told his hearers that liquor was one of the good gifts of a kind Providence to be enjoyed, but not abused; that there was no harm in moderate drinking—it was drunkenness that God condemned; and he quoted the passage from Timothy, so often heard even to-day, as Scriptural proof that there is no evil in temperate drinking. He sat down amid a murmur of approbation. The lecturer arose, pale as the face of the dead. For a moment he looked over his audience. Then, in clear and startling tones, he said: "No harm in temperate drinking! It is the egg that hatches into a scorpion. It is the summer's wind gathering into a tornado. It is the handful of snow that, shaken by the wind from the mountain top, rolls down its side, increasing as it rolls, until at last it is the avalanche that overwhelms the village in the plains! It is the germ of crime and death that is scattered over the land as the sower scattereth the seed! Yes, it is the fiends of hell clothed in angels' garbs, tempting man on earth to the destruction of both soul and body. I was once a temperate drinker, encouraged by just such teachings as have here fallen from the lips of this minister of our holy religion, this shepherd whose duty it is to guard

from the wolf the flock his Master has given him. Yes, I was a temperate drinker until I could no longer resist the terrible appetite that is the offspring of temperate drinking alone; my business was neglected and ruined; my wealth spent in drunken idleness and debauchery; my only child, through my neglect, starved to death in a garret, from which my sick and angel wife was taken to die in a hospital—and I was the cause of their death!"

Then, raising his hands in supplication above his head, he continued, in a voice of agonizing prayer: "Oh, Heavenly Father! thou knowest my sin; thou knowest its cause and my repentance, and thou hast this night heard one of thy ministers quote thy revered word to encourage men in that course which made me an outcast from my home and friends, and the murderer of my wife and child. Close, I pray thee, the ears of this people against the false teachings of thy misguided servant, and open their eyes that they may see the terrible, the inevitable curse that follows strong drink. And as thou didst once make the blind to see, touch, I pray thee, with thy Divine finger, the sealed eyelids of this shepherd of thy flock that he may see the danger that threatens the charge thou hast given him to keep. May he never sin as I have sinned, never suffer as I have suffered, but in mercy to him and his fellow-men, I pray thee show him the deep, dark, damning influence of the words he has uttered this night."

The speaker sat down, apparently overcome with his feelings. For a moment all was still as the

chamber of death, when the minister arose, walked slowly forward, and signed the pledge. Then, dropping on his knees, he uttered such a prayer as can only be made when Heaven's inspiration speaks through human lips. The effect was electrical. The whole audience, as if moved by one impulse, rushed forward to sign the pledge.

Thirty years after that the minister visited my father's house, then in western Pennsylvania, and speaking of the incident, he said : "*I had preached the gospel for ten years, and yet I believe I was never more than half converted before that night,* and I have never touched liquor since."

CHAPTER VIII.

THE LOGIC OF THE LAW BOTHERS A JUROR.

> "The nicest eye could no distinction make
> Where lay the advantage or what side to take."
>
> —*Dryden.*

> "He could distinguish and divide
> A hair 'twixt south and southwest side;
> On either which he would dispute,
> Confute, change hands, and still confute."
>
> —*Hudibras.*

"GENTLEMEN OF THE JURY—The defendant stands indicted for the offense of selling intoxicating liquor to men of intemperate habits. He is indicted under an Act of Assembly which makes the selling or giving intoxicating liquor to a man of known intemperate habits, by a hotel keeper, a misdemeanor, punishable by fine and imprisonment. This, gentlemen, is a very salutary law, and is, as it was intended by the Legislature, a great protection to the morals of society. It prevents drunkenness and consequent crime, and its provisions should be rigidly enforced, and those who violate it should be punished.

"The defendant has a license from this court to sell liquor to men who are not of intemperate habits,

but this license does not permit him to sell to a man who has become an intemperate man. Therefore if you find from the evidence that John P. was a man of known intemperate habits, and that the defendant either sold or gave him intoxicating liquor, your verdict should be guilty.

"You have probably observed, gentlemen, that a great proportion of the cases that have come before the court this week have originated from drunkenness alone. It is safe to say that this vice of drinking intoxicating liquor to excess costs this county more annually than all the other vices punished by our criminal code. Crime is the legitimate offspring of intemperance, and therefore it is the policy of our law to prevent it, as far as it is possible so to do."

This was the charge of the Court in a recent case in which I was counsel. As the jury were about to retire, one of their number stated that he wished to ask the Court a question. His honor told him to do so, whereupon the following dialogue took place between the judge and juror, as it appears from the stenographer's notes:

Juror.—The evidence shows that five years ago, before the defendant obtained his license to sell liquor, John P. was a temperate and industrious man, and that for that length of time he has been in the habit of purchasing his liquor of the defendant?

Judge. Yes, so it appears from the evidence.

Juror. Then five years ago the defendant obtained a license from this court to commence to make John a drunkard?

Judge (a little nonplussed). He had a license to sell him liquor as long as he was a temperate man.

Juror. At what time during the five years did the defendant's right to sell him liquor cease?

Judge. As soon as he became a man of known intemperate habits.

Juror. When does a man become a man of known intemperate habits?

Judge. As soon as his habits of intemperance are known to the people.

Juror. Then if John would get his liquor of the defendant and take it home and get drunk by himself, and no one see him, it would not be wrong for the defendant to sell him liquor.

Judge (evidently getting uneasy). The defendant would not in that case have violated the law.

Juror. Then it is not because it is wrong for the defendant to sell John liquor that he is indicted, but because the effect of the liquor on John becomes known to the public?

Judge. Yes, somewhat so; that is, as soon as it became known to the public that John got drunk the defendant had no right to sell him any more.

Juror. Then it is not a crime to make drunkards as long as the people don't find it out, but as soon as it is found out, then the man that makes the drunkard must quit—just as a man may steal my property, and it's all right so long as nobody knows it but the thief?

Judge. We must take the law as we find it, and see that it is executed as best we can.

Juror. Yes, I s'pose so, but I don't understand it. The defendant has a right by law to commence to make John a drunkard, and as soon as he finds out that his wicked job is done, then he must stop. What bothers me is this: I don't see how the defendant is to know *for sure* when the part of the work he has a right to do in law is done and he must stop. That is, I don't see how the defendant is to know how near ruin he may bring his neighbor before he must quit him, and let him go the rest of the road alone.

The Judge told the jury that was a *conundrum* the Pennsylvania Legislature alone could answer.

The jury retired. The members of the bar smiled; the Judge looked grave, and as if he thought the juror had the best of it "by a large majority." And here it was apparent that the mind of the honest juror was trying its best to reconcile the manifest incongruity of the law that licensed the sale of liquor to those that don't want it, but as soon as the taste is formed, and they do want it, prevents their obtaining it by purchase or gift. Does not the law here recognize the inevitable end? Does it not seem to contemplate that the result of the licensed privilege to sell liquor is ruin to those who drink? Does not the law here look deep down into the damning bowl, and see that, while maddening pleasure may sparkle on its brim, yet in the bottom are the bitter dregs of sin and crime, and that, while it presents the brimming cup to the lips of the citizen, it vainly seeks to prevent those lips from tasting the bitterness of death at its bottom.

The license law permits the establishment of public bars all over the land, in which the taste is formed and nourished to a point where the poor inebriate cannot resist its terrible demands. Then says the law, "'*So far shalt thou go and no farther.*' You shall not complete the ruin you have begun. You have undermined the foundation of the noblest temple that God himself ever erected. You have debauched the longings of a human soul, debased the image of the Creator. So far you had a license to go, but no farther. You may make drunkards by law; you may plant the seed of that fatal appetite; you may encourage its growth until its victim by its influence is on the verge of a drunkard's life—then and not till then shall your hand be stayed." When that time comes—when the law tries to prevent the gratification of the taste it has formed, to deny the demands it has created—it has a hopeless task indeed.

John was an industrious, temperate man until the law licensed the temptation that ruined him. Long before it was publicly known, the evil had begun, and yet the law had not been disobeyed. The injury to him permitted by law had been done. The evil germ planted by license had germinated, and was in vigorous growth, but because it was only felt by the victim, and was unseen by the public, the law had not been violated. And yet "Salus populi suprema est lex" ("*The welfare of the people is the supreme law*"), says the time-honored legal maxim.

At a recent term of court, A. B., a hotel-keeper,

was indicted for the offense of selling liquor to Eli S., minor son of widow S. Eli, a boyish-looking young man from an extremely rural district in the county, was put upon the witness-stand. He testified that on his twenty-first birthday he thought he would celebrate his independence of the maternal government. To accomplish this laudable and filial design, he repaired to a country village inn, and there treated some friends to the drinks. He had been accustomed to attend the Fourth of July celebrations, and had observed that the severance of our allegiance to the mother-country was generally thus commemmorated by the ancient fathers of our republic, on "the day we celebrate," and his incipient patriotism prompted him to imitate this great event in our nation's history by celebrating in a similar manner his freedom from maternal thraldom.

The township constable, not being included in the "treat," and being deceived by Eli's youthful appearance, thought it his duty to return the hotel-keeper for a violation of the statute "in such cases made and provided," and thus the majesty of the law was invoked to punish the offender. What has he done? Hear the words of the Commonwealth's counsel in opening the case:

"GENTLEMEN OF THE JURY—The defendant is indicted for a very grave offense, that of selling intoxicating liquor to a minor, and if guilty in the manner and form that he stands indicted, he certainly deserves the punishment the law prescribes. It is the object of our law to guard and protect the citizens of

the Commonwealth from the vice of drunkenness and the evils and immorality incident thereto. The law seeks particularly to guard the young and inexperienced from all temptations and provocatives to crime. Full well do our law makers know that.

> "The pebble in the streamlet scant
> Has changed the course of many a river,
> The dew-drop on the baby plant
> Has warped the giant oak forever."

"It is to the interest of the country that the young and rising generation should grow up to be sober men and women, and for this reason the Legislature has enacted very stringent laws against the sale or gift of intoxicating liquors to minors. If, therefore, the Commonwealth satisfies you that Eli was not twenty-one years of age when he purchased the liquor, then the defendant is guilty, and you should so find by your verdict."

It now became a question whether Eli was or was not twenty-one. If he became of age the day before his twenty-first birthday, then the defendant escaped guilt by a period of a few hours, and had violated no law. It is true the act was the same, but the defendant had a legal right to commence to make Eli a drunkard on that day, which right did not exist the day before. The evidence was admitted. The old family Bible was produced to prove by its record that the day on which the drinks were sold to Eli was the twenty-first anniversary of the day of his birth, and that therefore he was not a minor. The question

was gravely discussed by counsel learned in the law, the old sheepskin-covered Bible was cited, and I thought as I searched among its sacred pages that it blushed for very shame at the part it played in the miserable farce then being enacted in a temple dedicated to Justice; and as I read the record of Eli's birth, I fancied I could hear the good old book whisper in my ear, "*The letter of the law killeth, but the spirit giveth life.*" I said nothing about its whispers, but continued the argument. The Court charged the law as I requested, and the jury returned a verdict of not guilty, for Eli had been of age nearly fifteen hours when the defendant sold him the drink. The verdict was "Not Guilty," the jury not leaving the box, and the defendant left the court-room without even the smell of fire on his garments. What a farce was here enacted in the name of Justice? An image of the respected old lady was painted on the wall over the jury box, and I only hoped she was deaf as well as blind.

The defendant was not guilty. So said the law in its wisdom and justice, and the jury had but obeyed its mandates. Had the liquor been sold to Eli the day before, then would the defendant have been guilty; then would he have deserved fine and imprisonment. Nought else would have satisfied the offended majesty of the law.

Yet the poison was in the cup. The lurking fiend was there, but Eli had fifteen hours more of worldly experience to help him to shun the temptation incident to the wine cup; yes, he had all this greater experi-

ence to guide him on his pathway through life. It is true that the most of that time was spent in sleep, yet as yesterday he was a minor and to-day he is a major, that which was a crime yesterday is no offense to-day.

"The law," says an old writer, "is the perfection of human wisdom." Who could doubt it? Yes, there is wisdom, as Captain Cuttle would say, "solid chunks of wisdom!" Verily one would think that the heads of the legislators who enacted such a law had passed through the same mutations that so improved the judgment of Captain Bunsby, the commander of the "*Cautious Clara.*"

CHAPTER IX.

A JUDICIAL MURDER—A LICENSED GROG SELLER AN ACCESSORY.

"The maddening shout of a wassail throng
Was heard from the tavern hall;
For the revel wax'd high, and the wine was strong,
And they drank to their own downfall.
And the frenzied brain and the flashing eye,
Gave the signal of doom that a demon was nigh.

"But loud and more loud the revelry grew,
And the fire of madness blazed—
And the furies the torch of discord threw,
And the brain of the shouter was crazed.
All wildly they rushed from the banqueting hall
To the combat of anger, to fight and to fall."

—*Lalla.*

THERE had been an election, and as an old philosopher in Shakespeare discovered over three hundred years ago, "*That when two men rode of a horse, one must ride behind,*" so it transpired, that when the votes were counted, only one of the candidates was elected, and of course he was in the saddle, and the other on the pad.

Both candidates had their friends, but it was evident that one had more than the other. When this

unusual fact was ascertained, the usual result followed; the friends of the successful candidate met together on an appointed night, at a hotel in the enterprising little town of H——, in our county, "to jollify and be glad." The hotel was one of those great beneficial establishments of which our glorious old Commonwealth possesses so many—which enjoyed the local monopoly of the whiskey trade—with the inalienable right to make drunkards *ad libitum*, and to be the scene of the usual amount of rowdyism, debauchery, and vice.

The proprietor, a man "of good moral character" (a fact not apparent except by reference to the certificate filed in his application for a license), was also an ambitious man, and as other hotels in the county had been brought into public notice by a murder or two, he of course felt a pardonable spirit of emulation, and an ambition to be equal to his neighbors. Why should he not? His liquor was as new, was as rich in fusel oil, as any that patent yeast and swift distillation could manufacture by the latest and most improved devices. Nearly all his barrels showed the "compounder's stamp," or brand of infamy, in proof of the capability of his liquor to make even friends cut each other's throats on the slightest provocation.

It was a cold November night; without was snow, sleet, mud, and slush; within all was warm and cheerful, illuminated with kerosene, and redolent with the perfumes of liquid sin and crime. Behind the bar was seen the rubicund face of the landlord, with a strong *central illumination* that clearly cor-

roborated the afore-mentioned certificate in its assertion of his "temperate habits." All was ready for the coming event, and, as guest after guest arrived, they were met at the door by the "proprietor," while an expression that said

> "Will you step into my parlor?"
> Said the spider to the fly,

was written on the face of the useful citizen as plainly as human avarice and depraved appetite could write it.

The pride of our county—her sober and industrious yeomanry—had collected there to a number of score. Liquor flowed steadily from the barrels marked "infamous" by the compounder's stamp. The pure and virgin juice of the golden corn was not popular; it lacked the enlivening qualities found alone beneath the rectifier's (?) brand. Speeches were made, songs were sung, oaths were uttered with more than usual volubility, ribaldry, and profanity. The vile passions usually dormant were aroused by the infernal spirits that were sold at the bar, until at last words gave provocation for blows, and the whole party rushed into the street in a free fight, with yells as if

> "All the fiends from Heaven that fell
> Had pealed the banner cry of Hell."

What a glorious institution is a licensed hotel, on such a night, and with such a gathering as this! How clearly and positively is its necessity made manifest! How necessary to the comfort of the

weary traveler and peripatetic public! Why, a licensed hotel is to-day as much a badge of civilization and enlightenment as was the scaffold to the mariner, who, being shipwrecked on what appeared to be a savage and barbarous coast, was much relieved when he saw a gallows looming up in the distance. "Ah!" he remarked, "now I believe I am in a Christian country;" and could he have next seen its twin brother, the licensed grog-shop, the evidence would have been conclusive. He would have then known for a certainty that he was under the protection of the "banner of the cross," and not the "crescent" —that modern Christian enlightenment shed its benign rays over the country; for the grog-shop is not known among the savages—and is not tolerated among Mohammedans, Buddhists, or any of the half-civilized nations of the earth.

But while we have wandered from our subject the fight has been going on with a ferocity which shows the participants to be more like demons than men, until at last a man is down under the feet of the howling mob. They have murdered one of their number. The cry of "Murder!" from the lips of the dying victim in a moment causes a hush in the crowd, like the silence of death. Yes, that drunken, infuriated mob stands awe-struck in the presence of that dread spirit their orgies had invoked! The body of the murdered man was carried into the hotel. "He is unconscious," is whispered in the crowd. "He is dying! He is dead!!" The drunken bacchanals, half sobered and terror-stricken

at the dread presence, stand for a moment with looks of mute inquiry. When at last the question was asked from pale and trembling lips, "Who struck that blow?" all, self-accused and conscience-stricken, all, knowing they had struck some one in the melee, were silent lest attention should be directed to them, and they be accused of the murder.

There was no more noise or revelry there that night; but each actor in the infernal drama drew away toward his home, haunted by the terrible though unseen form of retributive justice.

In the morning inquiry was set on foot, an inquest held, witnesses called, and at last suspicion was directed toward Jacob H., who was seen in the crowd with the bit of a new axe in his hand, and it was supposed that he struck the blow. Then, again, the proprietor of the hotel was seen to take a leaden weight from a string attached to the bar-room door, and used to close it, and with it in his hand go into the crowd while the fight was going on. Both were suspected, but at last the evidence seemed to point most directly toward Jacob, and he was committed to jail for trial.

My brother and myself were employed to defend him. He protested in the most positive manner that he was innocent, that he did not strike a blow that night, and was only in the melee as a curious spectator who wanted to see the fight. He was a respectable farmer with a small property, and was considered an honest and industrious man by all who knew him, although given too much to drink on every convenient opportunity.

The trial came on at the February term, 18—. A post-mortem examination of the body of the deceased showed that the right parietal bone of the skull had been fractured, causing death. That portion of the skull was produced in court, and was remarkable for its thinness—it being no thicker than pasteboard—and I thought at the time that it could have been broken by a blow given by a strong man with the naked fist.

One of the physicians who assisted at the post-mortem examination testified that he thought the blow was inflicted with a stone from the street, as he saw mud around the wound; it did not look as if made by the back of an axe, which would have sharp corners, but more as if made by a blunt, dull weapon that was muddy. If the proprietor had dropped the leaden weight in the street and picked it up again, it would have been just the weapon described by the physician as the one with which the injury was most likely perpetrated.

The trial occupied the court for a number of days, and the Commonwealth called three witnesses, two men and a boy, who testified that they saw the defendant strike the deceased a blow on his head with the axe. The wound, however, did not indicate that it was or could have been inflicted with that kind of an instrument. I sincerely believed the defendant to be innocent, but feared a conviction. The trial continued until Saturday night, when the court adjourned until Monday for the argument of counsel. The jury were given in charge of two constables,

with positive instructions not to let them separate, or hold any communication with any one, until they had rendered their verdict. They were instructed, however, that they might take the jury out for a walk on Sunday afternoon if they wished, but to see that no one spoke to them.

I expected this, and employed a man to watch them while out walking, to see if they held any conversation with any one, and if so to report to the defendant's counsel immediately.

Sunday afternoon, accompanied by the two tipstaves, the jury started on a walk toward the gasworks, then being constructed. Our watchman, suspecting their destination, was there before them, and soon saw them separated and in different parts of the works. He had a conversation with two of them in the absence of others about the works, but said nothing about the trial. He came immediately to us with the information, and we were satisfied our client was safe, no matter what the verdict might be—for the law that allows men to be tempted by whiskey to commit the crime of murder will not permit a jury in a capital case to be placed in such a position that they might be tempted or influenced in their verdict, even if they are not. This to my readers may appear like "straining at a gnat, and swallowing a camel," but let us remember that "the law is the perfection of human wisdom," and proceed.

The trial was concluded; we thought we had done all that could be done, yet we had to inform our

client that the case was hopeless, that he would be convicted. He was a man of iron nerve, and received the information coolly, remarking that he was innocent, but that his life had been "sworn away" by the three witnesses who testified that they saw him strike the blow. After a few hours' absence the jury returned with their verdict. As they passed to their jury box, I observed that they did not look at the prisoner—a sure indication that their verdict was "Guilty." Had it been "Not Guilty," every juror would have looked at the defendant as he passed by.

We polled the jury, and as their names were called, one after another, they answered "Guilty."

We immediately moved the Court to set aside the verdict and grant a new trial for the following reason, to-wit:

"The jury were not kept together after the prisoner was committed to their charge, and until the rendition of the verdict."

The motion was argued before Judge D., one of the ablest judges in our State, and his opinion we copy from the records, to show how exceedingly careful the law is of the rights of the citizen, in the trial of a cause, after it has tempted him by legalized agents to crime; just to show how very small was the *gnat* compared with the *camel.* The opinion is sound law, and may be of interest to the general reader, who will undoubtedly wonder why the law is so careful in the trial of a cause, and so reckless in granting licenses to sell the source of crime:

OPINION OF THE COURT.

"From the moment the jurors were sworn, till their verdict was rendered in court, they had the prisoner in their charge. True, he was in actual confinement—except when in court as the trial progressed—while they were in the keeping of two sworn attendants, to forbid separation and conversation with them by third persons. Nor is this a mere matter of form, any more than that which requires that before the sentence of death is passed upon the culprit, it shall distinctly appear upon the record that he was asked if he had anything to say why sentence should not be pronounced upon him.

"The great object of the law is to afford to every accused a fair and impartial trial, and as the offense ascends in grade and in magnitude, the more jealous does the law become in the exaction of its rules; for while it is prompt in its inflictions of merited punishment, it is, nevertheless, watchful of the life and liberty of the citizen, and will not tolerate the forfeiture of either, except in the manner which it prescribes.

"One of the things which the law, in capital cases, requires of the jury is, that they shall not separate, nor hold intercourse with others during the progress of their deliberations. The prisoner knows this, and is entitled to its observance. A departure from it but weakens his confidence in the law, and in those who are set to be its sentinels—while the silent spectator considers that the forms which invest their pro-

cedures are but pageantry and empty sounds. In the case of Pieffer (3 Harris, 471), charged and convicted of the murder of his wife, the jurors were allowed by the Court and the defendant's counsel to separate and return home for a period of time before hearing the testimony; but there is no allegation that they held conversation with any one during this time, and yet it was held to be such error as vitiated the verdict of guilty.

"The rule of law was infringed upon in that case, and so it has been in the present one, though in a less prominent degree. But courts are not to measure the difference in degree of violation; they are, in the first instance, to see that nothing of the kind occurs, but when it does occur, to correct it, that the victim may not be unduly sacrificed. In the present instance there are two prominent acts complained of, which the Court considers were in violation of the prisoner's rights. The jury, or some of its members, were in conversation with an individual while passing along the street in a very scattered manner, for the distance of one hundred and seventy-five feet; and they were, on another occasion, taken by their attendants to the gas works, for the purposes, doubtless, of curiosity, and while there, some were about the tanks outside, and others in the building.

"Nothing wrong may have occurred in either of these matters, nor a word been said by any one in relation to the trial in progress, but the wrong consisted in the violation of the rule of law, and if permitted in this case, it would serve as a precedent in

all future cases, and thus work the destruction of the rule itself. How far a result like that would contribute to the meting out of exact justice, when a penniless vagabond or a wealthy but daring offender were interested requires no large share of sagacity to foresee. Our best duty consists in preserving the laws—especially those which exact the life and liberty of a citizen as a penalty—in their wholesome integrity; and believing that it will be done in the present instance by granting the prisoner a new trial, the rule for that purpose is made absolute.

D. D., LAW JUDGE."

The motion for a new trial was granted. One evening, in the month of March, I was detained in my office to an unusually late hour, when my door was opened, and a man unknown to me entered, and, turning the key in the lock of the door, walked to the fire and sat down. He appeared so unusual, and acted so strangely, that at first I was somewhat alarmed; but I remembered the old Persian proverb, "*The poor man smileth in the presence of the robber,*" and I was comforted, and smiled. I asked him what I could do for him. He deliberately put his hand into the breast pocket of his coat, and drew out—not a revolver, but his pocket-book—opened it and deliberately took therefrom a twenty-dollar bill and handed it to me. If he was mad, I saw at once there was "method in his madness." I pocketed the fee, and awaited further developments.

He asked me if I thought we would be able to pro-

cure the acquittal of Jacob H. I told him I hoped so, but it was doubtful. Said he, "You must clear him—he is not guilty, and I know it!" I asked him how he knew it. "Because," said he, "I killed the man myself, and I will not permit an innocent man to be hung for my crime—if I committed a crime, which God knows I did not intend to do." On further inquiry on my part, he made the following statement:

"Ezekiel B., the man who was killed, was my most intimate friend. The evening of his death we stopped at the hotel. The proprietor invited us to take a drink. Ezekiel drank, but I did not. After supper we remained a short time, and when the crowd began to gather we concluded we would remain during the evening and see the fun. He drank several times, and I, finding he was becoming intoxicated, persuaded him to go away with me. I took his arm and we started down the street. We had gone about twenty feet, when some man in the crowd called him an insulting and opprobrious name, and dared him to come back and fight. I held on to his arm and tried to get him away, when he turned and struck me a blow that knocked me down, and started back toward the crowd. I raised on my knees, and in a fit of sudden anger picked up a stone from the street and threw it at him. By the light that shone through the bar-room window, I saw the stone strike him on the side of his head; I heard the blow, and saw him raise his arms above his head and fall to the ground. He was immediately surrounded by a num-

ber of drunken men, and I went into a neighboring store. A short time after a man came in and informed me of his death.

"I did not intend to injure him, but, suffering from his brutal blow, in sudden anger I did an act which I shall regret all my life; but I will not let an innocent man suffer for it."

We had a subsequent consultation. He was instructed how to act, and we awaited the coming trial with anxiety.

At the April term of court the case came up again for trial. Jacob complained of feeling unwell when the cause commenced, and during the trial he was taken sick and was confined to his bed at the hotel. The anxiety was killing him. We consented to go on with the trial in his absence, letting it appear on the court record that he was present. In the defense we called the witness who paid me the visit, and after a few preliminary questions, my brother asked him the following:

Q. Were you present at the time E. B. was killed?

A. I was.

Q. Do you know how he was killed, and with what instrument?

A. I do. It was with a stone thrown from a hand. I saw the stone thrown, saw it strike the deceased, and saw him fall immediately.

Q. Do you know who threw the stone?

A. I do, and I know it was not Jacob H.

Q. Who was it that threw the stone?

A. I decline to answer, as it will criminate myself.

After some legal discussion, the Court decided that the witness was not compelled to answer.

The case went to the jury, and after an absence of about two hours they came into court with a verdict of not guilty. I hastened to the hotel to carry the glad tidings to the sick man. As I entered the room his wife and friends were standing around his bed. He was dying, and never knew that he was acquitted.

The sorrow of his poor heart-broken wife was terrible. "They have murdered my husband," she said; "and what will become of me and my poor little children?" And as I looked upon the inanimate form before me, I thought, "Another victim of the curse of intemperance; another murder perpetrated by the license of the court."

> "Murder most foul—as in the best it is;
> But this most foul, strange, and unnatural."

The hotel where E. B. was killed had had a license only about nine months. And how did the account stand upon the books of the Commonwealth?

The proprietor paid into the County Treasury twenty-five dollars for the license. Through its agency one man had been murdered at his door-step, and another—an innocent man—had been, by the process of the law, cruelly tortured to death with anxiety, and his wife and little children left almost destitute. The trial cost the county over twenty-three hundred dollars. From a financial point of view, this is but one of a multitude of similar cases that are occupying the time of the courts every day in the year.

In view of the evidence afforded by the criminal records of our Commonwealth, how can any man believe that the hotel licensed to sell whiskey is necessary for the accommodation of the traveling public? With the facilities of to-day, women travel almost as much as men. Why is it that they do not find a licensed public bar necessary for their comfort? Who ever saw a woman go to a bar and take a drink? Why is it? Are the men of so frail and feeble a constitution that they cannot undergo the fatigues incident to travel without a stimulant, as well as the stronger and more robust women? If this is so, would it not be well for the good wives of the country, when compelled to travel with their weak and delicate husbands, to provide themselves with a properly constructed and filled "nursing bottle" for the welfare and comfort of their lords and masters, and save the law the necessity of inflicting upon the country the infernal grog-shop, with its spirit of sin and body of crime?

What a vagabond race is the "traveling public" in this commonwealth, how debased the habits and tastes of "strangers and travelers," when whiskey is by law recognized as indispensable to their comfort! Before our late act intended to drive the tramps from the country, liquor might have been necessary for the comfort of the "traveling public," but to-day how many of the immense throngs that pass along our great thoroughfares demand intoxicating liquors as a necessity? Do our business men require it? Is there a business firm in the country

that would employ as their salesman or agent, entrusted with the management of their affairs, a man whose habits rendered it necessary for him during his travels to daily visit those public institutions which the law has licensed "for the benefit of the traveling public"? If a merchant firm in New York should see one of their salesmen or collectors going to a public bar and calling for a drink of whiskey, would they not have fears that their business was not safe in his hands? and if the occurrence should become frequent—if he acquired the habit of partaking of the "comforts" the law so kindly placed within his reach—would not the fears of his employers increase, and at last, unless he avoided those places licensed for the "accommodation of strangers and travelers," would he not be discharged from his position as one unworthy and unsafe? Do we not trust all men we employ with more confidence if we know them to be strictly temperance men than we would if they were addicted to drink? Who is it that demands licensed whiskey while they travel? It's not the women; it's not the ministers: they dare not use it even if their "necessities" demanded it. The opinion of the public today ignores the plea of necessity so far as women and ministers are concerned. The commercial travelers well know that those to whom and for whom they sell goods acknowledge not the plea. The lawyer, entrusted with great and valuable interests, which require in their defense the clear brain and reasoning mind, does not find it a necessity. The farmer,

the artisan, and mechanic do not need it. For what class of persons then is the public bar licensed to-day? For tramps, loafers, and politicians—none other!

To say that a licensed whiskey-shop is *necessary* to the traveling public is a silly falsehood, and every candid, thinking mind will admit it. A hotel licensed to sell whiskey is about as necessary to the comfort of the weary traveler as purgatory would be as a resting place for the souls of the dead on their flight from earth to paradise.

CHAPTER X.

THE GREAT ARMY MARCHING TO DEATH.

> "Some, as thou saw'st, by violent stroke shall die,
> By fire, flood; intemperance more
> In meats and drinks, which on earth shall bring
> Disease: of which a monstrous crew
> Before thee shall appear."
>
> —*Milton.*

> "Intemperate youth, by sad experience found,
> Ends in an age imperfect and unsound."
>
> —*Sir J. Denham.*

A PROMINENT temperance statistician asserts the startling fact that in the United States there are over seven hundred thousand drunkards; that over one hundred thousand die annually, who go to drunkards' graves; over two hundred and seventy-five die daily, or twelve every hour, from the effects of strong drink, in a country, too, that boasts of its Christian civilization, of its schools and colleges, its churches and benevolent institutions. We pause with bated breath before the enormity of the evil, and the strange apathy of the people.

Yesterday the public prints stated there were ninety deaths in the city of New Orleans from the

yellow fever, and the plague was spreading rapidly. The people of the North were appalled at the details of the horrors of this terrible pestilence. The sound of its solemn foot-fall northward is listened to by a terror-stricken people. From all the Christian churches in the land, prayers ascend to the throne of Him on high, to arrest "the pestilence that walketh in darkness, and that wasteth at noon-day." Large sums of money are contributed by a sympathizing and benevolent people to ameliorate, as far as possible, the suffering in the South. All past differences are forgotten. We do not remember that a few years ago this people were arrayed against us on the field of battle, that our soldiers were starved to death in Libby prison, or died of want and neglect in Andersonville; we have forgotten it all, and only remember that we are all members of the great brotherhood of man. Yesterday a car load of those noble women, the Sisters of Charity, passed through our city on their way South to nurse the sick and dying, and as I saw them on their way, clad in the simple paraphernalia of their holy mission, I thanked God we had a religion in this country that recognized the precepts taught by the Saviour in the beautiful story of the Good Samaritan.

All this is well; it is one of those spontaneous outpourings of human sympathy for human suffering that is the legitimate offspring of our holy religion. It matters not whether the hands that wipe the dew of death from the suffering brow, and administer the soothing draught, were wont to tell the beads on the

rosary of the Catholic devotee, or turn the gilded pages of the prayer-book of the Established Church:

> "For if the page of truth they sought,
> And comfort to the mourner brought,
> These hands a richer meed shall claim
> Than all that wait on wealth or fame."

Yes, all this is well; but, strange inconsistency in a Christian people! there is a plague in our land more terrible than that now ravaging the South, and we are comparatively indifferent to its horrors. There is a pestilence more deadly than the exhalations of the fabled Upas tree, and a Christian people support it by law, sustain it by fashion, and spread its ravages by license and public approval.

One hundred thousand are dying annually from the effects of this pestilence, as it sweeps over the country, like the waters of a mighty inundation. This great army of one hundred thousand men and women are marching past us to death every day. We see it, and know it well, but time and custom have made us familiar with its countless horrors, and it passes by unheeded. The law supplies it with recruits, and it moves on as unceasingly as the tides of the ocean or the waters of a great river.

For a moment let us observe this mighty host as it marches on toward the shore of that dark and silent river, whose ferryman is Death.

In its ranks are seen men whose brilliant intellects have made them famous in the world of oratory and song; men celebrated in science, in art, and for

learning. The forum, the church, the halls of legislation, have all furnished their numbers to swell the awful army of inebriates that is marching on to a death of infamy and drunkards' graves. From the king and warrior, whose word was law to nations, to the hewers of wood and drawers of water, every station in life has furnished its numbers to swell the innumerable host that has gone before. We know this as well as we know any physical fact in nature, and yet we wonder from whence come its recruits.

MOTHERS! they come from your arms, from your loving breasts—and even your prayers do not save them. Guard well, I pray you, the inmate of the cradle by your side; look well to the influences that surround your little son at home. Soon he will be restive of a mother's control, but he will never lose a mother's influence; soon he will go away from the parent nest, but he will carry with him, either for good or evil, the lessons you have taught him by precept and example. Has he ever seen the wine cup at your lips—those lips whose kisses he will remember for long years to come? Has he ever seen it circulating among the gay and thoughtless company assembled in your parlors? If so, God help him; for I have seen many a son, whose ruin could be traced to just such influences, taken from our court-room to prison in chains.

A poor, heart-broken mother once knelt to me, and with uplifted hands prayed me, in frenzied tones of agony, to save from prison her only son. "Oh!" said she, "it will kill me; oh! that I could suffer in

his place, for it is my fault. He was under the influence of liquor when he committed the crime, and I taught him to love it in his infancy."

I could only tell her to look to her God for consolation in her great trouble, for human skill and power could not avail.

And still this great army moves on, and we wonder from whence come the recruits.

FATHERS! they come from your knees, from your homes, from under your influence, to swell the great and terrible number who find drunkards' graves. Had your example anything to do with it? Did you teach your son to shun the wine cup as the first temptation? Have you been a temperate drinker, and by your example encouraged your child in the path that leads to crime and death?

Once in our court, an only son had been sentenced to the penitentiary for arson—a crime committed by him in a fit of drunken anger, because he had been ejected by a rumseller from the bar-room, where the liquor sold him made him drunk and disorderly. "Oh!" said his father to me, "I dare not go home and tell his mother—it will kill her. I gave my boy a good education, I started him in business, but he became dissipated in spite of all I could do."

"Did you yourself ever drink?" I inquired.

"Yes," said he, "I was always a temperate drinker, but never drank to hurt me, or to excess."

"Did your son ever see you drink?" I asked.

"Yes," said he, "God forgive me; he has, and he thought that because I could control my appetite, he

could his. I once kept a hotel. My son was my clerk, and I think there was where he acquired the habit which ruined him;" and as he said this, I thought of the stern and inflexible justice of the divine decree: "With what measure ye mete, it shall be measured to you again."

This man had been for years engaged in the business of making other men's sons drunkards. He had accumulated wealth in the nefarious traffic. Other fathers had sorrowed over sons who had fallen by his influence; other mothers had been heart-broken by the ruin he had wrought. And now he would have freely given all the "wages of sin" he had accumulated, to save his own poor boy from prison. While in my heart I pitied him, yet again that same stern and inflexible justice whispered in my ear, "As he has done to others, so has it been done to him."

Verily, verily, in this world "The father's eating sour grapes shall set the children's teeth on edge." But while I have been writing this page, another score of that great army have dropped into drunkards' graves. Yet there is no diminution in their number. New recruits are constantly falling into their ranks. The young and thoughtless are coming, the middle-aged are coming; the aged, whose span of life is almost ended, are coming; from everywhere, from every station in life, still they come. The recruiting offices for this awful army, are established by law, on every pathway in life trodden by the foot of man. They are licensed by the courts, and approved and sanctioned by a Christian people.

How can we arrest the terrible evil? The words of inspiration answer: "Lay then the axe at the root of the tree, and let every tree that bringeth not forth good fruit, be hewn down and cast into the fire."

CHAPTER XI.

WHY HE WAS DIVORCED AND HOW HE CAME TO GET MARRIED AGAIN.

"Till Hymen brought his love-delighted hour,
There dwelt no joy in Eden's rosy bower;
The world was sad—the garden was a wild,
And man the hermit sigh'd—till woman smiled."

—*Campbell.*

"Marriage is like a flaring candle
Placed in a window of a summer night,
Attracting all the insects of the air,
To come and singe their pretty winglets there;
Those that are out butt heads against the pane
And those within butt to get out again."

—*Pantheon.*

OLD Henry K. and his good wife had lived together in the bonds of matrimony for forty years, and while it is proverbial that the course of true love never did run smoothly, it is especially true that the stream of connubial felicity does not always flow calmly and uninterrupted by rock or ripple. While they agreed in the main, yet there were some slight differences of opinion between them, which sometimes cast their shadows over the matrimonial pathway, as clouds flitting across the sky cast their shad-

ows over the landscape. The differences were few, and Henry thought immaterial. For instance: The old lady was a warm advocate of temperance and total abstinence, while Henry was not. The old lady was a pious and exemplary Christian, Henry was not. The old lady was frugal and industrious, and here again they differed. Furthermore the old lady believed it a duty to work six days in the week, and rest on the seventh, while Henry believed that if he rested hard all the six days of the week, there was no harm in going a-fishing the seventh.

With the exception of these unimportant differences, they agreed as well as the average matrimonial couple who are bound together by the ties of past love and present law. Henry was an ardent politician, and took great interest in seeing that proper men were elected to office. If a town constable was to be chosen, Henry was an active canvasser, and on election day, if his favorite candidate was the fortunate man, Henry was so elated, he generally celebrated his victory so enthusiastically that late at night he was so tired he had to be led home by his brother politicians; while, on the other hand, if his man was defeated, Henry was wont to drown his disappointment in the flowing bowl.

The old lady had borne this, her great sorrow, for two score years, until at last forbearance in her mind ceased to be a virtue. So, one cold November night, when Henry was brought home in a more than usually sorrowful condition, and laid upon his bed, she procured a clothes line, and with it bound him

as tight and fast as ever a victim was bound to the stake. She then put out the fire in the stove, that he might not get up in his sleep and set the house on fire; opened the windows in the room, that he might not die of suffocation, locked the door, and retired to her lonely couch. During the night it stormed so

> "That e'en a child might understand
> The de'il had business on his hand."

In the morning, poor old Henry was almost frozen to death, but on his making a faithful promise to let politics alone in the future, his good wife released him. The rheumatism, however, had taken so deep a seat in his bones, that he was unable to walk for many a day. As soon as he could get to town, he came to me to tell me a most pitiful tale of his wrongs, and employ me to get a divorce. I tried to persuade the old man to forget and forgive, but he said his "rheumatiz" prevented the first, and his insulted manhood the last. So, thinking that in the end he would abandon the suit, and to appease him for the time being, I filed his petition.

Time passed on. There was no hope of peace; the day of trial came, and the twelve intelligent jurors thought the ground for a divorce sufficient, and so said by their verdict. Old Henry left the court apparently as happy as on his bridal morn.

About six weeks after, the old man came into my office again, looking very much crestfallen. I had heard what had happened *ad interim*, and was prepared for what was coming.

"Squire," said Henry at last, "I want you to get me another divorce."

"Another divorce?" said I; "why, are you married again after your past experience?"

"Yes, Squire," said he, "I married the old woman over *ag'in.*"

"You did?" said I; "why, how in the world did that happen, and with so short a courtship?"

"'Twa'n't no courting at all," said the old man. "I'll tell ye how it happened, Squire. One evening the old woman sent me word that she had got a letter from our son Sam in Kaliforny, and invited me to come down and she would read it to me. I went down. She had a good supper for me. You see, Squire, I've been keepin' bach'ler's hall sin' we parted. Well, arter supper she read me the letter, and then got my old pipe and gin it to me, and we sit and talked for some time, when I looked up in the cupboard and I saw the old woman's bottle of tansy bitters. She saw me looking at it, and went and tuk it down and sot it on the table, and told me to take some, it would be good for my rheumatiz. I took a drink—there wasn't as much tansy in it as she used to put in, for she used to make it so bitter I couldn't drink it. Wall, it tasted kind o' good, and the old woman was pleasant—and I took another drink, and bymeby another, and arter a while Squire Hobbs and his wife comed in, and we talked and talked about Sam and old times, and I don't jest remember how it was done, but she married me over ag'in. But it was the whiskey that done it, Squire, and I believe it was a *sot up job*, an' I won't stand it."

I informed him that he could not get another divorce until some new cause arose. I told him to try and get along, let whiskey alone, drop politics, and I thought the old woman would not freeze him to death again.

A number of months after, I met old Henry looking bright and happy. "Well, my old friend," said I, "how do you get along?" "Oh! fust rate, Squire! fust rate. You see the old woman can't fool me on any more *tansy* tea. I've quit drinking, Squire, signed the pledge, and my second wife and I get along fust rate, better than I did with the *fust* one, a darned sight. Sam's come home, and, Squire, I'm most awful glad I took that tansy."

I hope the women will see no reason in the foregoing anecdote to lessen their efforts in the cause of temperance, for while drunkenness has been in my practice the prolific cause of divorce, I never before knew a happy marriage like old Henry's to result from it. Whether the tansy had anything to do with the result is a matter beyond my knowledge. I have looked in the dispensatory, but don't find that "a disposition to marry" is one of the medicinal properties attributed to the plant.

In looking over my diary, I find the following results from over thirty years' practice:

Divorces obtained, where the primordial and recent cause was whiskey	43
Marriage from the same cause	1
Balance against whiskey	42

The attention of the ladies is especially called to the above statistical items. Let us have renewed efforts, and more determined warfare.

CHAPTER XII.

STREET ARABS IN COURT—A DIALECT NEW TO THE JUDGE.

"But who can youth, let lose to vice, restrain?
When once the hard-mouthed horse has got the rein
He is past thy power to stop." —*Dryden.*

"'Tis education forms the common mind;
Just as the twig is bent, the tree's inclined —*Pope.*

"The pebble in the streamlet scant
Has changed the course of many a river;
The dew-drop on the baby plant
Has warped the giant oak forever."

"Suffer little children to come unto me, and forbid them not; for of such is the Kingdom of God."—*Mark* x. 4.

At the usual terms of our court, after the sentences have been passed upon the old and grave offenders of the law, the Sheriff ushers into the court-room a number of small boys, from ten to fifteen years of age. All ragged, dirty, and unkempt, they come. Precocious in vice, they seem to be the very embodiment of the germs of original sin. Young and hardy plants of transgression and crime, they need no hot-house or gardener's care to fully de-

velop them into house-breakers, thieves, and robbers. They are the natural and spontaneous growth of the soil, the weeds and thistle plants of society, scattered by fate along the by-ways of life. Born of drunken and vicious parents, in the purlieus of vice, from the hour of their birth they have been surrounded by every bad and corrupting influence . the thieves' vocabulary, their mother tongue—the oath profane, the ribald song and jest of the low drinking-houses, have been familiar to their ears from their infancy. A mother's love they never knew. A father's care they never had. They are the "*hoodlums*" and street Arabs, begotten of drunkenness and debauchery. It is no fault of theirs that they have been thrust into this world to suffer cold and hunger, and compelled by the unfortunate surroundings of their childhood to steal or starve. Accustomed to sleep under the wharves and bridges, or in empty hogsheads and dry-goods boxes, gleaning their miserable food from the garbage barrels in the streets, the prison to them a palace, and the plain, wholesome prison fare a feast of good things they may before have "dreamed of but not enjoyed," what wonder is it that they are what they are ? that grave and learned judges are at a loss to know how to deal with them, and that they are a part of our social problem yet unsolved. We can not permit them to roam the streets untrammelled by the restraint of the law ; we dare not poison them, as we do the rats in the sewers and cellars, or drown them, as we do young puppies and kittens, whenever the supply exceeds the de-

mand. No, we can not do either—as much as it would gratify some modern philanthropists to do so; for they are human beings, with immortal souls, whose destiny reaches away yonder into the never-ending ages of the future. Many of them are bright and intelligent, with innate capacities for great good or evil; with proper care and education, they may be made useful men and good citizens. Yes, in that group of dirty, ragged outcasts there may be, perhaps,

> "Some mute, inglorious Milton, or
> Some Cromwell, guiltless of his country's blood."

So far they have been educated in nothing but crime. Among their associates, a successful burglary is a deed to be proud of—as much so as a victory to a military chieftain—and a convict who has served his term in prison for "cracking a crib," or for manslaughter, is a hero whose acts are to be emulated, and whose crimes are to be imitated. The tales of "Dick Turpin" and the "Rover of the Sea" excite in their young minds a spirit of ambition to become equally criminal and notorious. They owe society nothing, for society has done nothing for them. Modern philanthropy has almost entirely overlooked them, and in its praiseworthy effort to convert the heathen abroad, has almost entirely neglected the heathen at home.

The fact is, that at the missionary sewing circles which monthly meet in the gilded parlors of the Mrs. Veneerings of society, to make clothes for the heathen of distant lands, and where their benighted

condition is so sweetly discussed over cake and tea, "distance lends enchantment to the view," and this makes their situation a matter of much greater interest than the condition of the heathen who lives in the filthy alley back of "our barn."

A half-naked savage, roaming in uncontrolled freedom amid the cocoanut and palm groves of Africa, is a much more romantic object in the minds of Hon. Mrs. Skewton and her associates, than is the ragged street "gamin" whose drunken parents live down by the railroad, and who have turned their little children into the streets to beg, steal, or starve.

I have defended scores of these street vagabonds, the very spawn of the low grog-shop, just because I pitied their friendless condition when I saw their little feeble hands raised in unequal combat against the power of a great commonwealth. Of course they must be punished; the safety of society requires it; for as certain as the planted acorn becomes an oak, does the pupil of Fagan become Sykes, the robber and murderer.

What shall be done with them? They are the offspring of the great curse, alcohol; the fungi that germinate in the shadow of the grog-shop and die in the hospital.

Here is a question for the modern philanthropist and law-maker; here an opportunity for the efforts of missionary societies. The Mrs. Jellybys of the country can here find as worthy objects of Christian charity as the natives of "Borrioboola Gha." The law-makers can here find an argument against the

license to sell rum, stronger than ever fell from the lips of the "temperance fanatics." Oh! most wise and patriotic legislators, while you are so anxious that the Government shall not be cheated of its taxes by "crooked whiskey" and illicit distilleries; while you are vigilant to see that all venders of distilled liquid crime and sin shall pay a license to the State for the privilege of making thousands of street vagabonds annually; while you do all this, I pray you, don't forget that they are to a great extent the creation of your wise legislation; that they are floating waifs on the great dark streams of intemperance, which sweep over the country from their source in the legislative halls of the State. And remember that the banks and shores of those streams are thickly strewn with the wrecks of splendid fortunes of those who have gone down beneath their poisonous waters. And remember, too, that these young scions of vice and drunkenness, if they live, will some day become voters; and should not self-interest —which sometimes influences the wisest and best of statesmen—induce you, as far as possible, to remove the baleful influences the laws you have enacted have thrown around them?

The license law created their surroundings, and those surroundings have made them what they are. If the theory of "environment" may prove that the physical man was developed from the protoplasm, how much more certain it is that the moral man is the creation of influences which have followed him through life.

"'Tis education forms the mind;
Just as the twig is bent the tree's inclined."

Had those laws that license and encourage the sale of liquor never been enacted, the grog-shops of high and low degree would never have existed. Deny it if you will, but, with laws that punish the sale of liquor as a crime (which it is), and with those laws as strictly enforced as are any others that protect society, a generation would solve this social problem and wipe out the evil.

It is true that crime will exist, even under the best and wisest laws: so will disease; yet we may assuage if not stop the plague and pestilence by proper sanitary measures; and so may we abate and decrease crime if we keep from the people strong drink, the great source from which crime comes.

But the little vagabonds are in court, and must be disposed of. His honor, looking kindly at them, examines the court docket, and says, "Johnny Ray, stand up." Johnny gets on his feet, and, giving a hitch to his ragged trousers that have never depended on suspenders for their position in life, stands thumbing his brimless hat, while an expression of injured innocence glimmers through the dirt on his face, and, as he looks slyly at the Judge, he whispers to himself, "I wonder if the old cove will send me up for long."

"Johnny," says the Judge, with an affectation of sternness he does not feel—"Johnny, where do you live?"

"Down in Blinker Bill's lushing ken, in Rag alley," says Johnny naively.

"What? where?" says the astonished Court. "What do you mean by 'lushing ken'?"

"Blinker Bill's ken, where they sell lush," says Johnny; and with anxious desire to give the Court the required information, he continues: "You patter down Wharf street to Rag alley, then down the alley to the fust crossin', and track down the dancers, and the fust slam is Bill's ken. You orter know Bill, for I heerd him tell his pal, Toby Buster, as how your honor give him a permit to slop lush to the pads."

The Judge looked at the clerk in astonishment. The clerk informed him that Mr. William Blinker had a license from the court to keep a drinking-saloon or eating-house at the place designated by the young culprit.

Johnny, who was evidently much astonished at the ignorance of the "old cove" of the English language, gave his trousers another hitch and awaited coming events with imperturbable gravity.

"Where is your father, Johnny?" asked the Court, after a brief silence for reflection.

"The cops nabbed dad 'cause he cracked a crib, and when they nabbed him, he had the swag, so they sent him to the trap," said Johnny, looking sorrowfully at the floor.

"Have you a mother?" asked the Court.

"Yes," said Johnny, "but when dad got in limbo, she kept a boosing ken and fence, and bought wipes

of the prigs as were on the kinchin lay, and then the beaks lagged her, and now the traps have got 'em both, and then Blinker got me to slop lush, and one day Swankey Slum, this 'ere boy (pointing to another among the young offenders), kicked my dorg, and I was putting a head on him, 'cause Butcher is all the friend I got, and—and—the cops nabbed me and Swankey both, and—and—and—that's all I done, and I'll lick any boy as kicks Butcher, I will!"

Johnny by this time was convulsed with sobs, and, having to the Court imparted all the information he had to give, stopped talking, and stood with head erect and nostrils dilated, looking as a hero might have done who had won a battle for his country. When he took his seat, he looked at Swankey as if he thought the job he had undertaken was yet unfinished, and he longed to complete it.

The boys were sent to the House of Correction, there to associate with older and more hardened criminals, and, when released, to return to their old haunts, and become in the end burglars and robbers.

But what shall we do with them? asks the philanthropist. Why, do just what you are doing with the Fiji Islanders—civilize them if you can, Christianize them if possible; but, as a preliminary to either, blot out of their accustomed haunts the grog-shop, and your Christian work will be half accomplished. You can, by proper laws, prevent the sale of liquor, as you would prevent the sale of any other substance deleterious to the health and welfare of a people. Lay the strong hand of the law upon the wicked

traffic. License no man to do evil, or to injure his neighbor. From the pulpit, the rostrum, and the press, speak to the people; form public opinion against it; put it down by the popular vote, and in the future a redeemed and regenerated people will call you blessed.

DEFINITION OF WORDS FROM THE THIEVES' DIALECT.

Cracking a Crib.....Burglary or House-breaking
Cops.....Police Officers
Lushing Ken.....Drink-house or Grog-shop
Patter or Track.....To Walk
Dancers.....Stairs
Slam.....Door
Slop Lush to the Pals.....Sell Drink to the Boys or Thieves
Boosing Ken.....A Place to Hide Thieves and Booty
A Fence.....Receiver of Stolen Goods
Wipes.....Pocket Handkerchiefs
Kinchin Lay.....To Steal From Children
Traps, Limbo.....Prison or Lockup
Lagged.....Arrested
Swag.....Stolen Property
Fogle Hunter.....Pickpocket
Run the Flimsy.....Pass Counterfeit Money
Beak.....A Magistrate
Pad the Hoof.....To Walk Out
Jerk the Tinkler.....To Ring the Door-bell
Douce the Glim.....Put Out the Light
Prig.....A Thief
Prad.....A Horse
Scragged.....Hanged
Pal.....A Companion or Particular Friend
Yokel.....A Countryman

CHAPTER XIII.

WILL P., AN OLD FRIEND.

"Who hath woe? Who hath sorrow? Who hath contentions? Who hath babbling? Who hath wounds without cause? Who hath redness of eyes?

"They that tarry long at the wine: they that go to seek mixed wine.

"Look not thou upon the wine when it is red, when it giveth its color in the cup, when it moveth itself aright.

"At the last it biteth like a serpent, and stingeth like an adder.

"Thine eyes shall behold strange women, and thine heart shall utter perverse things.

"Yea, thou shalt be as he that lieth down in the midst of the sea, or as he that lieth upon the top of a mast.

"They have stricken me, shalt thou say, and I was not sick; they have beaten me and I felt it not; when shall I awake? I will seek it yet again."
—*Proverbs* xxiii. 29–35.

THIRTY-FIVE years ago I was a student of A—— College, in Western Pennsylvania. My most intimate friend and classmate was Will P., a young man with splendid abilities, and the face and form of an Adonis. He was the master spirit of our class, the head and front of every offending against the rules of the staid old institution, genial and generous, brave and manly. He was such a favorite with the faculty, that, when arraigned for some offense against the good order of the institution, the President, with

reproof on his lips, but a kindly smile in his eye, would lecture the culprit somewhat severely—but Will was always so penitent, and so manly in assuming the faults of others to screen his comrades, that the sentence was always tempered with mercy.

One morning Will had removed the red cambric covering from the chapel Bible, and placed it on his Greek lexicon—which had the size and well-worn appearance of the sacred volume—and laid the book on the stand of the rostrum. After calling the roll, the President prepared to read, as usual, a chapter preceding morning prayer. When he opened the book, he evidently, at the first glimpse, thought that there was something wrong with his spectacles. After carefully wiping them, and looking at the page again, he immediately turned to Will and said, "Master Will, you have this morning made a mistake which ought to be very gratifying to your many friends. Please let us have the Bible for morning services, and when we are through, I will lend it to you to take to your room to read. I heard this morning of your conduct last night. Let me call your attention to Proverbs, chapter xxiii., 29th to 35th verse, inclusive. Read and profit by it. Many like you have, in an unguarded moment, commenced that downward career, which has ended in a drunkard's death. You have brilliant abilities, and are capable of great good or evil. Think of your pious old mother, and what her sorrow would be did she know where you were and what you were doing last night. And, my dear young friend, let me warn you of the danger that lurks in

strong drink, and the ruin that is hidden in the intoxicating cup."

The rebuke came like a clap of thunder. Few understood what it meant, but some of us did know that Will loved the wine cup too well, and that the night before he had been in some disreputable company, and was brought to his room in a state of intoxication. The rebuke made in that public manner had a most excellent effect, and, for the remainder of his college term, Will was one of the most sober and studious members of his class. Two years after, he graduated with college honors, and returned to his home in the South, carrying with him the hopes and best wishes of all who knew him.

For some years we corresponded with each other. He was studying law, and I medicine and surgery. As years passed on, our letters became less and less frequent, and at last I heard that my friend had received an appointment from the government on some foreign embassy, was married to a beautiful and wealthy young wife, and had gone to Europe. I heard no more of him for a number of years, when I heard that he had died in foreign parts.

More than twenty years had elapsed after we parted, and I only remembered Will as one among the many pleasant companions of the past. My readers, is there not in your heart some secret recess, filled with the memories of past loves and friendships? some place where remembrances of those you loved in your youth are preserved, amid the ruin and wreck of hopes once so bright, and ambitions whose objects

once seemed so easily attained? Is there not there some secret chamber, filled with the forms and faces of those once dear to you? My venerable legal brother, who, with me, has trodden the long and weary road of professional life for over a third of a century, lay down "Coke on Littleton" for a moment, and let us commune with the past. We are old, and the world thinks hard-hearted, and beyond the reach of human sympathies. If the young of to-day were to look at us, they would smile at the thought that we could ever have been touched with any of the soft and sentimental feeling incident to humanity—and yet we know that the smile would be ill-timed; we know better than they what we have hidden away in the ashes of the past. The little girl you loved so dearly in your boyhood died in a distant State nearly forty years ago, and yet in memory cannot you see the sparkle of her bright eye, and the color mount her cheek, as some playmate coupled her name with yours, in your youthful sports and pastimes long, long ago? In the echoes of memory do you not hear the voice of the young maiden, who, in your early manhood, used to wait, with love's impatience, to welcome your coming, and who, for so many years, has slept so quietly beneath the trees in the old church-yard on the hill? Is there not some hidden chamber in your heart, filled with tender recollections of former loves and friendships—of those persons and things to which memory clings with fond embrace, and around which recollection loves to linger? Yes; do you not remember even the robin or

squirrel you used to pet when a boy, better even than the face of yesterday's client? The hoop, the kite, the favorite jack-knife—do you not remember them better than the contents of the paper you indicted only the other day? Yes, I know by the expression of your face that you remember them all; and would not forget them if you could. The memories of the past are like the oases in the desert to the weary traveler—bright green spots in the pathway of life.

"Will you please come to the jail and see my papa?" said a child-like voice at my office door I looked up from my paper and saw a little girl of perhaps ten or twelve years of age, bare-footed and ragged. She was very pretty, although very dirty, and as she looked at me with her large, dark eyes, the expression struck a chord in my heart, as if touched by the finger of memories long dead.

"What is your papa's name?" I inquired.

"His name is P.," she answered, "and we have traveled a great way, and I was hungry, and papa went into a bake-shop and bought me a loaf of bread, and I was eating it, and the policeman came and took hold of papa and said he stole it, and took him to jail. But he didn't steal it, 'cause a gentleman gave him a dime this morning, and papa said he bought it."

"Where have you come from, my child?" I asked, "and where are you going?"

"We came from Erie," she replied, "and are going to Pittsburgh. Then papa said we would not have to walk any more, but we would get on a big boat, and go home to grandpapa's."

"Where does your grandpapa live?" I inquired.

"Oh!" said she, "he lives ever so far! way down South where the war was."

"Were you a soldier in the war?" I asked as seriously as I could.

"No," she answered naively, "but papa was, and then the *Yanks* came and took papa a prisoner, and they stole all grandpapa's *niggers;* and they carried papa to Pennsylvania, and he was sick, and mamma brought me up to see papa, and she died, and now I don't know what we will do"; and the poor little child burst into tears.

I went with her to the jail, and in one of the cells I saw a veritable tramp, if ever there was one. Dirty and ragged, bloated by liquor, blear-eyed, nearly palsied by dissipation, and disgusting in appearance, he looked the very personification of drunkenness and pauperism.

I asked him the cause of his imprisonment, and he told me the following story:

"I was a rebel soldier. I was taken prisoner and carried to Harrisburg, where I was confined in a hospital for a number of months. My poor wife came up to see me, when, from fatigue and exposure, she was taken sick, and died, leaving little Annie, my only living child. I had two sons killed in the army, fighting for what they believed to be their rights. Don't judge me hard, Al! You did not use to be hard on me for my vagrant acts, when we were classmates on College hill."

When he spoke to me in this familiar manner,

I started with surprise, and ejaculated, "Classmate! Who are you?"

"Why," said he, dropping his head with shame, "I am your old friend Will P."

"Is it possible!" I exclaimed. "You the brilliant and talented Will, once the pet of the faculty and the envy of many of your fellow-students!"

"Yes," he said, "I am what is left of him. I am, as you see, a wreck, utterly and irretrievably ruined by the curse of strong drink. You know I was well born, was wealthy myself, and married a wealthy and noble woman. Poor thing, she clung to me through all my degradation, as the vine you see in the woods clings to the rotten, heartless trunk of a dying tree. You remember the lecture the old president gave me when I exchanged the chapel Bible for my Greek lexicon. Well, that lecture and rebuke nearly saved me; but, you remember, I wrote you I had an appointment on a foreign embassy. When abroad with my wife, wine was always on the hotel tables—not to drink it was to be singular and attract attention. I drank as others did, and as others do who drink, at last became a confirmed drunkard. I was removed from my position for dissipation, and returned to my home in disgrace. I had squandered all my fortune, and nearly all my wife's. I returned to my home in Georgia, and when the war broke out, I joined our army, was wounded and taken prisoner. Our slaves were all liberated, our property gone, my wife dead, and I left the hospital a pauper. By the aid of a friend I reached Erie with my little girl, and we have walked from there, begging our way.

"Oh, my God! what do you think were my feelings as I passed the old college hall and playgrounds, and thought what I once was—what I might have been—and what I now am; but the appetite for strong drink has followed me from my youth, like an evil spirit, bent on my destruction.

"As I passed along the college grounds, I saw the old tree where you and I used to sit and smoke our cigars, build aerial castles, and talk over our anticipations of the future. How little did I then think my future would be a drunkard's life, and most probably a pauper's grave!

"As Annie and I were coming down College hill, we met a student with his books under his arm, looking as careless and happy as I used to feel when, unconscious of the future, I trod the same path when we were boys. My little Annie was so hungry that I begged him to give me a few pennies to buy her some bread; yes, I was a beggar, asking charity to keep my child from starving, on the street I had trodden when I was wealthy and full of hope for the future. The young man put a dime into Annie's hand, and she looked so pleased, for she had had nothing to eat since the day before. We slept in a barn last night. I think it was on your father's old farm, a few miles back. You remember, I used to go out home with you, and stay over Sunday. I thought I remembered the place, although it was nearly dark when we got there.

"Just as we approached your town, we passed one of those curses by the wayside—a public inn, where

they sell liquor; one of those pits into which all like me must fall; we cannot avoid them, cannot *pass* them. Oh! what a terrible thing is this appetite, this irresistible craving for strong drink! You remember the picture in our old geography of a traveler on horseback in Africa, who, with his horse, was caught in the folds of an anaconda—how frantically both horse and rider seemed to struggle in the terrible embrace! How often have I thought of that picture, and imagined it represented myself, struggling with this fatal appetite.

"I knew my child was starving, and that I had the means of buying bread for her. I did not know where I could get any more money, and yet I could not resist the temptation; *I had to drink*, and as the hotel-keeper dropped the dime the student had given Annie into his till, I realized what I had done. I had left my little girl on the sidewalk, waiting for me to come out with some bread and butter, which I told her I would go in and buy for her. As I turned to leave the bar, I asked the keeper for a piece of bread, when, with a curse, he told me to be gone.

"I told Annie they had none to sell, and we soon passed a baker's shop, where I saw some small loaves of bread on the counter. I went in, and, watching my opportunity, stole one, and gave it to Annie. Half famished, she could not wait until we were out of sight; the baker missed his loaf, pointed us out to a policeman, who arrested me and brought me here. I inquired for you of the turnkey. I thought

you were a doctor, and when he told me you were an attorney, I sent my little girl for you. It is a small case to ask you to attend to, but to me it is all in all. You see I am as much deprived of my liberty as if I was a highway robber, and treated as if I was as guilty as a defaulting bank officer (?), and yet I only stole a five-penny loaf to keep my child from starving."

He made me promise not to tell any one who he was, and, assuring him of my assistance, I left his cell. He was in confinement a few days, and when thoroughly sober, I procured his release. Some kind ladies had interested themselves in Annie's behalf. I gave him a respectable suit of clothes and a pass for himself and child to Cincinnati, where he could take a boat for Georgia, his home. I have never heard from him since, yet I have no doubt of the end—*a drunkard's death.*

My observation has satisfied me that not one man in twenty, who has once been a confirmed drunkard, is ever reformed so thoroughly that the reformation will continue. Nearly all are unable to resist the demands of their appetites for any great length of time, and when the law establishes so many places where such men are tempted, it is useless to expect to be able to reform and save them. The temperance people can only do the best they can, and leave the rest to God. But the rising generation can be saved, and the means used to secure this result will save many confirmed inebriates. There is one way, and only one, and that is, *prohibition, strict and ab-*

solute. Banish the accursed stuff from our streets and by-ways; stamp the traffic with the infamy it deserves, punish the man who sells whiskey, just as you would punish any other criminal, and, if ever the law is effective in doing good and eradicating evil, it will be here, and save thousands of men from crime, poverty, and drunkards' graves.

CHAPTER XIV.

AN ANCIENT BOOK ACCOUNT, AND ANOTHER MURDER.

"There is a weapon firmer set
And surer than the bayonet;
A weapon that comes down as still
As snowflakes fall upon the sod,
And executes a freeman's will,
As lightning does the will of God,
And from its power no bars nor locks
Can shield us—'tis the ballot box."

—*John Pierpont.*

VOTE IT OUT.

"When the time that we long for shall come,
When the people shall vote as they pray,
When the morning of glory shall dawn,
We will hail with delight the glad day.

CHORUS.

"It will come, by-and-by,
When right o'er success shall prevail,
It will come, by-and-by,
God hath said, and His word cannot fail.

"When the chains of the traffic shall break,
And the shackles from Christians shall fall,
When the voters shall dare to do right.
Though the party should go to the wall.

"Oh! ye Christians, whose prayers are so loud
That God would old Alcohol rout,
Remember to vote as you pray,
And thus drive the enemy out."

—*Song.*

"WITH MALACE TOWARD NONE, AND CHARITY FOR ALL."
"UNITED WE STAND, DIVIDED WE FALL."

"Why do you spend so much time lecturing on temperance? No one will thank you for it. All this excitement on the subject is doing no good. There is just as much liquor drank now as there was before we had any temperance societies. You are making yourself unpopular with the hotel-keepers, and they control a great many votes. The temperance women cannot vote for you, and would not if they could. The temperance men do not exert one-half the influence at an election that the liquor men do. Don't you see that it is a losing game all around? Why do you bother with it, then?"

I met a friend in the street one day, and, after taking deliberate aim, he fired the above broad-side at me, with the rapidity of a discharge from a mitrailleuse. It set me to thinking.

A part of the statement is not true, and a part is true. It is not true that the temperance movement has done no good. It is not true that as much liquor is drunk now as there used to be before there were any temperance societies. The balance of the statement is true, most probably.

Fifty years ago the hotel-proprietor was a man of influence and position in society. The business of liquor selling was untrammeled by legal restrictions,

and was a most respectable calling; now the trade is contraband, and the liquor-sellers hang only on the verge or "ragged edge" of respectability. Few of them are church members; many of them are disreputable; some are good citizens and honorable men, who try not to abuse the license granted them. But come from whatever source it may, the effect of the poisoned cup is the same; its influence on society is alike, though it be filled either by the hand of the owner and proprietor of a fashionable hotel or that of the keeper of a low groggery.

But in proportion to the number of inhabitants, I do not believe that one-tenth part as much liquor is sold or drank now as there was in the early days of the Commonwealth.

In looking over the court records a few weeks since, I came across an old account book, kept by a tradesman of olden times. The book is dated in 1790, and was used in a suit to recover an account a few years after. It was the "day book" of one of the first merchants in our city—a most excellent man—who died long since, respected by all who knew him. Curiosity prompted me to look through its pages, and to notice the staple articles of barter and trade of that day.

The following is a copy of a page from the book:

1793.	John M., Dr.	£	S	D
May 18, to 2 quarts whiskey		3	9	
19, to 2 ditto ditto		3	9	
21, to 2 ditto ditto		3	9	
22, to 2 ditto ditto		3	9	

24, to 1 gal. ditto		7	6
25, to 1 ditto ditto		7	6
28, to ½ lb tea, 1½ sugar		5	9
29, to ½ gal spirits		3	9
30, to ½ ditto ditto		3	9
31, to ½ ditto ditto		3	9
June 2, to ½ ditto ditto		3	9
3, to 2 qts whiskey		3	9
4, to 2 qts ditto		3	9
6, to 1 pound sugar, 1 qt whiskey		2	10
8, to 1 qt whiskey		1	10
9, to 1 ditto ditto		1	10
10, to ½ gal whiskey		3	9
11, to 1 lb sugar and ½ lb tea		4	2
12, cr. by one ham venison, smoked		2	0
14, to 1 qt whiskey		1	10
15, to 1 ditto		1	10
16, cr. by one ham venison		1	6
17, to 1 gal whiskey		6	0
19, to ½ lb powder and 2 lbs lead		2	6
21, to 1 gal whiskey		6	0
23, to 6 yds calico, for wife		18	9
25, to 1 lb sugar, ½ lb chocolate		3	9
27, to 1 qt salt, 1 pt whiskey		5	0
29, to 2 gal whiskey		6	0
30, to 1 lb loaf sugar		19	0
July 1, to 1 gal 3 pints port wine	1	7	6
2, to 1 qt brandy		5	0
3, to one rifle gun	9	0	0
5, to pair Indian blankets		17	9
6, to fustian and jean	1	4	1

It will be seen by this account, which is a veritable copy of one page in the day book, where there are hundreds similar, that whiskey was almost a necessity with the first settlers of the country; it was a staple article of consumption, its sale was unrestricted by law. It was in general use, and a generous supply was always "laid in" for winter.

A story is told of a constable, who, in an early

day, had been for some time trying, without success, to collect a debt of an impecunious debtor, when, accidentally hearing that he had laid in his "winter's whiskey" (three barrels), he paid him a visit with an execution. The man was absent from home, and when the constable informed his good wife of his errand, she was struck with consternation and dismay. "Why! land-a-massy!" she exclaimed, "you ain't a-going to take all our winter's whiskey away from us, are you?" "Not all, mother," replied the good-natured constable, "I will leave you the biggest barrel." "Why, massy sakes alive," she replied, "what on airth good is *one* barrel of whiskey in a family of nine children and only one *keow*, do you think?" The appeal was irresistible, and the officer was content with one barrel.

It must be evident to every one that there is not as much liquor drunk as in former times, when its sale was unrestricted, when almost every one used it more or less, and when it was no disgrace to get drunk. He must be blind indeed who can see no good result from the temperance movement. What laws we have restraining the traffic are due to it alone. The discussion of the temperance question has informed the people of the extent of the evil, has educated public opinion, and made the business of liquor-selling disreputable and contraband. Penalties are inflicted for the violation of the laws that regulate it. The law prohibits the sale or gift of it to minors or persons of intemperate habits; will not permit it to be sold on Sundays or election days;

and by these very prohibitions acknowledges the fact that its use is pernicious to the people and an injury to the well-being of society; for, why restrain the traffic in that which does no harm? All these prohibitory laws are the direct result of the temperance reform movement, and it needs but to go a step further and prohibit the sale of liquor as a beverage, under all circumstances, and the victory will be complete: mankind disenthralled, society relieved of the great source of crime, and Christian morality advanced with the stride of a century.

For this purpose and to this end the temperance people must become more united and determined in action, more careful in the selection of those who make and administer the laws. The hardest battle is yet to come. The army of manufacturers and venders, moved by the strongest of human motives, that of self-interest, will wage a long and stubborn warfare. It will be fought by the ballot instead of the bullet, by argument instead of the bayonet; but armed as the hosts of temperance are, in a cause so holy, they are invincible to any force that can be arrayed against them. Let there be no armistice, no truce, no cessation of hostilities, until the victory is complete and the laws that disgrace our statute books are obliterated.

No man should be elected to any office of public trust and confidence unless he is opposed to licensing sin and legalizing crime. We would not vote for a thief, nor a robber, nor a murderer. Why, then, vote for a man who supports and upholds a

law which begets thieves, educates the robber, and makes murderers by license and legal enactments?

Since I commenced to write this chapter I have been employed to defend a man who killed another at a licensed hotel in our city. All the actors were drunk—the murderer was drunk, his victim was drunk, and the proprietor who sold the liquor was accessory to the crime, and deserves punishment, even more than the man who, frenzied by its maddening influence, struck the fatal blow, and is in law the principal. Society may excuse the one because of his license. The law may fail to punish him, and while his victim is suffering the long years of imprisonment prescribed as the penalty for the crime, he will walk our streets, free and unpunished, a libel upon the name of Justice, and a murderer by every law save that recorded on the statute book of a great commonwealth.

And now, to the law-makers of this people I make this eloquent appeal, taken from one of the Rev. Lyman Beecher's great sermons on temperance:

"Ye venerable and honorable men, raised to seats of legislation in a nation which is the freest, and is destined to become the greatest, and may become the happiest on earth, can you, will you behold unmoved the march of the mighty evil; shall it mine in darkness, and lift fearlessly its giant form in daylight, and deliberately dig the grave of our liberties, and entomb the last hope of an enslaved nation, and nothing be done by the national government to stop the destroyer? With the concurrent aid of an enlight-

ened public sentiment, you possess the power of most efficacious legislation, and by your example and influence, you, of all men, possess the best opportunities of forming correct and irresistible public sentiment on the side of temperance. Much power to you is given to check and extirpate this evil, and to roll down to distant ages broader and deeper and purer streams of national prosperity. Save us by your wisdom and firmness, save us by your example, and we will ever pray."

Yes, gentlemen, to whom the people have given much, and of whom much is of right demanded, I make this appeal to you; not, perhaps, in the spirit and belief of its eloquent author. He undoubtedly thought it might avail; he knew that it enunciated self-evident truths, which none of you could or would deny. He thought your duty was so apparent, that you would give it the consideration it deserves. I don't think so; for as long as the rum-shop is so effective a weapon with which to carry an election, I expect you to be cautious and conservative.

I am not one of those amiably disposed, philanthropic Christians, who believe in the doctrine of total depravity, and that politicians are but so many living evidences of the truth of the theory. No, I believe that, as a class, you are of average morality and mental capacity; that some of you were fairly nominated, and many of you were actually elected to the positions you occupy. I further believe that you are all, or most of you, willing to serve the country —of course, having first looked to your own interest.

—and what more can we expect of frail humanity? And when it is made clearly apparent that it is to your interest to oppose the liquor traffic, I doubt not that you will do so, with all the zeal of new converts. It is, then, the duty of the temperance people to show you that their united vote is worth more than the influence of the grog-shop and beer-saloon. When this is done, your conversion will be complete and lasting. That this can and will be eventually accomplished, no one can doubt. As soon as the advocates of temperance shall inscribe under the motto of our good brother Murphy, "Malice toward none and charity for all," the moral taught in the fable of Æsop, "United we stand, divided we fall," and carry out at the ballot-box the principle the old man in the fable sought to instill into the minds of his sons, so soon will the temperance cause receive your hearty support, and not before.

To-day the grog-shop is a most effective instrument in the hands of politicians, with which to carry an election. But let the time come when it shall be no longer effective; when the rum traffic shall be like Samson shorn of his locks, and appeals like the one quoted will not be lost upon those great and good men who seek for office—only for their country's good.(?) But I doubt whether that time will ever come, until we turn into the muddy pool of politics the pure stream of woman's influence at the polls. Then it will come, and come quickly.

Let the temperance people but unite as the liquor-dealers have done; let them forget the minor politi-

cal issues for this great principle; let their united strength be felt at the polls, and politicians will bow in humble obedience to their demands. What is it that the advocates of prohibition ask that is unreasonable? They seek to disarm the murderer; to wrest the knife from the hand of the would-be suicide; to protect the wife from the brutal blows of the drunken husband; to wipe the tears of sorrow from the cheek of the mother, who mourns over the frailties of a wayward son. They seek to destroy the grog-shop, and, by its destruction, prevent its attendant evils—pauperism and crime. They desire to promote temperance, sobriety, and their every-day companions—industry and morality. This, and this only, is their demand, and as certain as truth and right have always prevailed in every great public contest against sin and wrong, so certain will the time come when these demands, made at the ballot-box, will be acceded to by a just and Christian people.

"Truth, crushed to earth, shall rise again;
The eternal years of God are her's:
But Error, wounded, writhes in pain,
And dies among its worshippers."

CHAPTER XV.

CHARITY—AN EATING-SALOON BILL OF FARE.

"The charities that soothe, and heal, and ble s,
Are scattered at the feet of men like flowers."
—*Wadsworth.*

"Now abideth faith, hope, and charity, these three; but the greatest of these is charity."
—1 *Cor.*, xiii. 13.

"The highest exercise of charity is charity toward the uncharitable."
—*Buckminster.*

"The rankest compound of villainous smells that ever offended nostril."
—*Shakespeare.*

"WITH malice toward none and charity for all." This motto looks well in print, is amiable in precept, sounds well, and, without doubt, is a good rule of human conduct. It is in accordance with the spirit of the Christian religion, and of the sublime teachings of Him who said: "If thy brother smite thee on the one cheek, turn to him the other also." But to an old lawyer, who, for over a third of a century has seen the effects of the liquor traffic, as they are manifested in our criminal courts, it is a very difficult motto to adopt. The fact is, I hate the grog-

shop in every form in which its monstrous presence is tolerated in a community, and have no perceptible feeling of charity for the liquor-seller, no matter to what church he belongs, or what his social position may be. When I have seen the criminal brought into court for trial; when I have heard the story of his guilt, and found that it was the result of drunkenness, I have felt charity for him, and pity for his suffering family. I have observed, however, that the law had no charity, but against him its mandates were executed with a degree of severity which, it would seem, malice alone could dictate. In vain does the victim plead human infirmity and an uncontrollable appetite in his behalf; in vain does he point to the legalized temptation which has increased that appetite; in vain does he ask for charity and beg for mercy—the law is inexorable, its penal statutes know no charity. "Drunkenness aggravates the crime," says the stern and inflexible rule; and, without mercy, without charity, the fetters are placed upon him, the prison doors are closed behind him, and for years he is incarcerated for the commission of a crime which, had he been sober, he would have scorned to commit. "Drunkenness aggravates the crime," but the liquor traffic aggravates drunkenness, and we are asked to be charitable toward the rum-seller while we are merciless toward the criminal. Why is this? Is it because the licensed vender has become rich on his ill-gotten gains, owns a pew in a prominent church, and contributes to the spread of the gospel a small percentage of the profits he reaps from the ruin he has wrought?

What is an "eating-saloon," such as is established by law and protected by license? It is a thing difficult to describe—*sui generis*—and as unlike any other thing in this world as darkness is unlike light. A respectable citizen applies to the court for a license to keep one. Its necessity as a place to feed the hungry is made manifest to the court. In fact, the testimony is so clear and conclusive on this point, one would suppose that, if the license was refused, it would cause a famine in the region around the contemplated saloon. The application is well considered by the court, and at last, from the apparent great necessity of such an institution, for the good of the public, the license is granted.

A few days after, let us visit the place. It is in full blast, running night and day. As we approach its door, we hear the ear-torturing music of an asthmatic Dutch organ, mingled with the beer-soiled notes of the "Faderland." We pause on the threshold; a perfume, very unlike the "spicy breeze from Araby the blest," assails our nostrils; stale beer and Connecticut tobacco combine their odors in commingled sweetness on the evening air. But some of my readers may be curious to know on what viands the people are fed in this "legalized necessity"—a licensed eating-saloon. We enter the door, and pass around behind a screen, whose kindly services have preserved many a reputation, long after it was no longer worth preserving, and the stock in trade of this great and indispensable public institution comes in view. Let us take an inventory:—

1st. A barrel of new corn whiskey, from whose delicious contents a number of bottles on the bar have been filled.

2d. A half barrel of water crackers, whose age can only be approximated by a geological computation of time—for arithmetic would be unable to do the subject justice.

3d. A number of kegs of lager beer, whose nastiness of composition is only rivaled by its taste.

4th. A barrel of ale—a fit companion of the beer in all its attributes of flavor and smell, only nastier, if possible.

5th. A basket of "pretzels," salt as the ocean's brine. The very thought of one begets thirst, compared with which that of Tantalus was a very mild sensation.

6th. A Limburger cheese ! !

> "But here my muse her wing maun cour ;
> Sic flights are far beyond her pow'r."

Here my pen proves unequal to the task. I can only say that if all the vile odors from the public sewers were mingled with those of Chicago's fragrant river and glue factories ; if all these could be combined in one stupendous, overwhelming, sickening stench, it would be sweet as the ottar of roses compared with that cheese. Surely the man who invented this vile compound must have anticipated, in the progress of Christian civilization, the existence of a licensed lager-beer saloon, and well understood the laws of environment and the fitness of things. It (the cheese, not civilization) is found nowhere else.

Its odor becomes the proprietor, the place, and the public whose wants are there satisfied, while the place itself is sanctified by its presence.

7th. A part of a box of salt herrings, whose smoke-dried remains ought to settle forever the question of precedence in the order of creation on our planet, between the fish and saurians.

8th. On the walls are hung, in graceful festoons, the fly-specked and savory bologna, "whose *bark* is hushed, yet whose scent endures forever."

This completes the stock of eatables usually found in these licensed institutions, so necessary to *feed* the public. Yet, if a "square meal" was demanded at the bar, to fill the order would require the agency of a miracle, second only to that of the loaves and fishes.

The truth is, nine out of ten of these applications are most palpable swindles practiced on the court. The proprietor never intended to keep an eating-house, but a drinking-saloon, where nothing could be obtained to eat save that which would create an unnatural thirst. One hungry man could eat at a meal the whole stock of provisions, if his digestive powers were equal to the "cubic inch" capacity of his stomach. No; it is not for an eating-house, but a drinking-saloon, that the license is obtained. The profit of the business is from drink. It is not from the traveling public, but from daily habitues, who gather there every evening, and squander the hard-earned wages of the day in a night's carousal. Yes; seated around tables in the room, bloated, beer-sodden, and debauched, are the "hungry" for whose espe-

cial benefit this institution is licensed. Listen, for a moment, to the Babel-like jargon and confusion of tongues; to the oath, the ribald song, the obscene jest, mingled with the repeated cries of "zwei lager," "whiskey," "pretzels," "cheese," as each hungry and thirsty customer calls for these great necessaries of life. Listen for one moment, and then if you can feel any charity for the keeper, the court which granted the license, the men who certified to its necessity, or the law which permits such a pandemonium to exist; if you can feel any charity for any one who assisted in planting such a foul and loathsome moral ulcer as this on our body politic, I am willing you should enjoy a monopoly of the sensation.

There is another class of good citizens for whom I have no charity—I mean those who certify to the necessity of these immoral pest-houses.

Not long ago I picked up a petition of an applicant for a license to keep a tavern or inn, from the clerk's desk in our court, and on it found the following certificate:

"We, the undersigned, respectable citizens of —— ward, in the city of ———, do hereby certify that we are well acquainted with the above-named applicant, and the house where he proposes to keep an inn or tavern. We know him to be a man of good repute for honesty and temperance, and believe that an inn or tavern is there necessary to accommodate and entertain strangers and travelers. We also certify that the said applicant is well provided with house-room for the accommodation of the public."

The certificate was signed by twelve good citizens. Among those who had signed were eight members of prominent churches, and four good temperance men. And yet the certificate was untrue in every respect. It was, in plain English, a solid lie from the centre to the circumference. The applicant was *not* a man of good repute for temperance; his house was *not* necessary to accommodate strangers and travelers, and the signers must have known it—for it was out of the path of usual travel; very few strangers ever went there. The accommodations were not intended for the traveling public, but, night after night, the bar-room was filled with the same old habitues—men whose families resided near by, and who sorely needed the money squandered nightly in the pestilential atmosphere of this licensed plague-spot.

I know charity is a Christian virtue, and ought to be cultivated; but if any man can feel charity toward those who signed that certificate, and in the most deliberate and positive manner falsified, in order that a nuisance might be established in the community, he has a capability for "saintly emotion" much greater than I have. In fact, I don't want to feel charitable toward them. I had much rather not. I feel more comfortable and enjoy myself better as it is.

Here were eight professing Christians and four temperance men who signed that certificate, just because the proprietor was a customer of theirs, and they were afraid to offend him and lose his trade by a refusal. Besides, he paid his bills promptly, and

what did it matter to them even if every coin they received was stamped with the sin of a nefarious traffic? They saw not upon it the impress of the last trembling touch of the drunkard's fingers, as it left his hand in exchange for gin. They saw not the tears of his sorrow-stricken wife and hungry children. No, it was current coin of the realm; this they saw—nothing more. Yet they knew it all, as well as if the story had been impressed upon the coin indelibly as the motto, "In God we trust." But with many men "business is business," and the only woe that ever affects them is that of their own household. To expend charity on such men is the poorest investment of the emotion that can be made, for it returns no interest on the capital expended.

There is a kind of cheap morality in this world, which is rich in mottoes and moral epigrams, but poor and beggarly in deeds. Its precepts sound well when uttered by the lips of men, but in everyday life its teachings are forgotten and its admonitions disregarded. Members of this school of morality deserve not so much charity as does the open sinner who strives to do right, but is driven to do wrong by an uncontrollable appetite or an impulse he is powerless to resist.

Many men deserve more credit in this world for so conducting themselves that society barely tolerates them than do many other men who acquire the reputation of being saints. The criminal who has committed a crime when intoxicated, in my mind, is much more deserving of charity than a respectable

man who deliberately certifies to a falsehood, for the purpose of establishing a grog-shop, or the man who presents the intoxicating cup to the drunkard's lips.

CHAPTER XVI.

ENTOMOLOGICAL REPORT—STILL WORM AND THE WAY TO DESTROY IT.

"Ten thousand casks,
Forever dribbling out their base contents,
Touch'd by the Midas finger of the State,
Bleed gold for ministers to sport with.
Drink and be mad, then. 'Tis your country bids."

—*Cowper.*

"Since ninety-nine out of every hundred ruined men are ruined by drink, let us rescue the perishing, and carry to the drunkard the gospel of hope and deliverance."

—*John B. Gough.*

If we look at the temperance movement from a financial standpoint alone, we will see overwhelming reasons why it should receive the support of every tax-payer and citizen who has his own interest at heart, as well as the moral and social welfare of society.

"Arithmetic will not lie." It is one of the few truthful witnesses that can commit no perjury, even under the cross-examination of a skilful attorney. In the county where this chapter is written there are one hundred and seventy licensed saloons and hotels where liquor is sold. Now, suppose that the average

sale per day at each place is ten dollars—and I am informed by those who ought to know that it would exceed that amount—it would make in the aggregate seventeen hundred dollars per day, eleven thousand nine hundred dollars per week, over forty-seven thousand six hundred dollars per month, or five hundred and seventy-one thousand two hundred dollars per year. If, in ten years, the number should not increase, it would make the enormous sum of five million seven hundred and twelve thousand dollars, that would be spent in one county alone for intoxicating liquor. What, then, would be the amount expended in our whole commonwealth? what in our whole country?

Dr. Hargreaves, in a valuable publication entitled "Our Wasted Resources," gives some interesting and appalling statistics in relation to the cost of alcoholic beverages in the United States as compared with our other resources and expenditures. He states that the income of the country from all sources, including agriculture, manufactures, commerce, railroads, mines, and fisheries, is, in round numbers, seven hundred millions of dollars per annum. The amount of liquor sold in the United States in the year 1872 he estimates, from reliable statistics, at six hundred millions of dollars, an amount greater than the cost of all the food, and nearly twice as great as the amount expended for clothing. The cost to consumers in ten years is given as six thousand seven hundred and eighty millions of dollars, or about three times the national debt.

The liquor bill of the State of Pennsylvania in 1870 was.....	$65,000,000
Illinois for the same year....	42,825,000
Ohio " " "	58,845,000
Massachusetts " "	25,000,000
Maine " " " with a prohibitory law..... ...	4,215,000

But the loss is not alone in the money expended for that which is an injury to the purchaser. That is a direct loss to the people, and can be estimated in dollars and cents; but the incidental loss is far greater.

Suppose that some insect pest or worm should suddenly make its appearance in the farmer's field, and destroy his crops; suppose the evil should extend over the country until it was estimated that it destroyed over forty millions of bushels of grain annually. Would not the country be alarmed? Would not Congress appoint a commission of experienced entomologists to visit the region afflicted, to study the habits of the worm, and see what could be done to extirpate it, as was done with the cotton-worm and grasshopper? Yet there is a worm in our land worse than all the insect pests that have afflicted mankind. It consumes annually over forty million bushels of grain. The number of paupers in the United States, as given in the census of 1870, was one hundred and sixteen thousand one hundred and two. It will be seen that this hideous worm destroys annually enough grain to supply all these paupers with bread. Imagine the matter brought before Congress, on complaint being made from all parts of the country of its terrible ravages. The investigation of the evil is intrusted to a committee of learned

naturalists, and, after a careful examination of the facts, they make the following report:

"*To the Honorable the Senate and House of Representatives of the United States of America in Congress assembled:*

"The undersigned, appointed by your honorable body to investigate the ravages in various parts of the country of a worm, which it is said is destroying a large proportion of the grain crop, beg leave to make the following report:

"That in pursuance of the commission to us directed, we proceeded to make the necessary investigation, and found that the depredations of the worm were more general and destructive than we had anticipated. In some sections of the country the products of whole fields of barley, rye, and corn were completely destroyed. In some localities we found that hundreds of bushels of these cereals were so injured in one day as to be rendered unfit for food. We discovered that the destruction of the grain was the least of the evils caused by this worm. After it has fed for some hours on grain, it vomits forth a loathsome and disgusting poison, that is carried by other pests over the country, and scattered as bees scatter the pollen of flowers. This poison, thus distributed, affects persons under its influence in a most remarkable manner. Its first symptoms are manifested in the one affected by a disposition to idleness, profanity, and street politics. These symptoms increase until the victim entirely neglects his business

and is given to spending most of his time in disreputable places, where are others affected in a similar manner. He squanders his property, and finally abuses his family, and beats in the most cruel manner his wife and children. As the symptoms increase in virulence, they result in a temporary insanity. In this condition the person affected is most likely to commit the very worst crimes—larceny, burglary, robbery, and arson are among the most frequent—and as the effects of the poison continue, the poor, suffering victim is impelled to perpetrate murder! An examination of the records of the criminal courts showed us that nine-tenths of all the crime in the country is caused by the influence and effects of this poison. The coroner's docket proves that ninety per cent. of the suicides come from its agency, and if the unfortunate victim of its virus is not, before it is too late, kindly arrested on some criminal charge and sent to prison, where he is for a time removed from its influence, or if he does not kill himself, he at last dies from its effects, in the most awful tortures the human system can undergo. For some days previous to his death, the person affected imagines that he is beset by devils, the fires of hell burn at his feet, hideous serpents hiss in his pathway, and fiends in every monstrous shape gibber and snarl at him from every dark corner of his room—horrible reptiles of every conceivable form, like monstrous toads, and snakes and worms, with eyes of flame and breath of fetid poison, hiss at him, and thrust out their forked tongues. Scorpions

> "With monstrous tails, that twisted out
> In horrid evolutions. tipped with stings,
> Long, venomous, and sharp,"

smite him as he walks, until, at last, death most welcome ends his sufferings. We find these are the common and well-known effects of this poison.

"We find that besides the destruction of the grain crop, the effect of this poison cost the country more in ten years than the late civil war; and that it has destroyed more human lives in that time than were lost on the battle-fields of the rebellion.

"In view of the enormity of this evil, we believe it to be the duty of your honorable body to do everything that can be done to extirpate this loathsome reptile, commonly called by the people a "still worm," or, in scientific nomenclature, *vermis horribilis;* and for this purpose we recommend that your honorable body shall pass an act authorizing its destruction whenever and wherever found. We also suggest that you memorialize the legislative bodies of the several States of this Union to join with you in the effort to destroy this worm, and we have no doubt of your final success, and that there will be at least one Congress of the United States that will be remembered in the prayers of the righteous for all time to come.

"Respectfully yours,

"CHRISTIAN MORALITY, *Chief Entomologist.*
"TEMPERANCE REFORM, *Assistant.*"

Now, most potent, grave, and reverend signiors, most able and revered law-makers, you who tried so

successfully to "enact" out of being the grass-hopper and cotton worm, here is an opportunity to legislate out of existence the most loathsome reptile that ever crept its slimy way along the paths trodden by men; here you can, if you will, act with some hope of success. A Christian constituency demands it at your hands, religion and morality demand it, suffering humanity demands it. Then will you refuse, because the grog-shop and its victims overawe you with the terrors of their influence at the ballot-box?

In estimating the expense to the country caused by the use of alcoholic liquor, we must add to the actual amount paid therefor the value of the grain destroyed in its manufacture, just as if it was destroyed by blight or the locust. Do so, and we have the following:

Amount paid for liquor in Pennsylvania annually	$65,000,000
The value of cereals destroyed in its manufacture	3,000,000
Total, the enormous sum of.....	$68,000,000

Add to the individual loss from the effects of its consumption the expense of our criminal courts—whose life-blood is but the pulsation of this nefarious traffic—add all this together, and you will have a sum that would build a church in every township, a school-house in every district, provide the churches with ministers on good salaries, the school-houses with teachers, school apparatus, and public libraries; would place a Bible in every hand; and when all this was done at home, would spread the blessings of

Christian civilization over the globe, until "*Earth's remotest nation had learned the Messiah's name.*"

But suppose this were not so, even suppose it would cost this vast amount of money to remove this great evil, would we not be bound to remove it by every principle of philanthropy and Christianity? We have no right to weigh the moral and social welfare of a people in a scale with dollars and cents. We might as well attempt to appraise and value the pure and beautiful gems of the Orient by weighing them ounce for ounce, with the glittering, worthless sands of Alaska.

The law that licenses the sale of that which is so ruinous to mankind in its consequences is radically wrong; wrong in every feature; wrong in inception and foundation; wrong in principle and in precept, and in direct violation of all the teachings of Christianity and the laws of God.

No man has a right, no man can acquire a right in this world, to give to his neighbor that which he knows will ruin that neighbor, and bring suffering and want to his wife and children. In vain am I told that the law-making power of the State has enacted such a law, and that it has received the sanction of the Supreme Court; I still deny the right, and acknowledge not the authority. Every prompting of the human heart revolts at it. I assert almost in the language of Lord Brougham, in the Parliament of England: "There is a law above all enactments of human codes, the same throughout the world and in all time. It is the law written by the

finger of God upon the hearts of men; and by that law eternal and unchangeable, while men shall loathe rapine, hate crime, and abhor blood, they will deny the wild, the guilty phantasy that man has a right to give to his fellow-man that which he knows will prompt him to crime, and ruin him in this world and the world to come."

It is a proposition that admits of no denial. As a people we do know what are the probable consequences of the license system, and we are as responsible for those consequences as in law the accessory before the fact is responsible for the probable consequences of the act of his principle in crime.

In this temperance reform, no citizen has a right to be apathetic or indifferent. In this world there are sins of omission as well as commission, and the man who fails to do what his duty to society calls upon him to do is as criminal as he who violates the plainest commandments of the law.

We have no right to be careless and heedless of our neighbor's welfare. When men relinquish their natural liberty, in exchange for the protection and benefits of civil liberty, they assume other obligations than those which affect them solely and singly. Those obligations are a mutual regard for each other's rights and welfare. A man who would make no effort to save a drowning fellow-man would be justly despised by all who knew him, and while many are standing safe on the rock of temperance, yet the flood of intemperance is raging around them. The forms of men struggling and sinking amid the engulfing

waves are seen on every side. Shall nothing be done to save them? Shall no plank, or buoy, or life-boat be launched to their assistance? Shall we do nothing to protect future generations from this great inundation of evil? Heedlessness and neglect of duty are sometimes as criminal as unlawful acts. No man has a right to be careless to the injury of his fellow. The thistle shall not be allowed to grow on one man's farm, lest it scatter its seed on the land of another. The husbandman may not, for his own benefit, place the burning match among the dried grass of his own field, lest the conflagration spread to the field of his neighbor. Mutual rights and obligations are the bonds that bind civilized society together, and the whole moral and legal code of the world may be summed up in that one sentence, so full of infinite wisdom and justice: "Whatsoever ye would that men should do to you, do ye even so to them."

Let us not, then, neglect our duty to ourselves, our fellows, and to the future. The farmer who has let the noxious seeds take deep root in his fertile fields finds too late that he has ruined his farm by neglect and carelessness, while the careful husbandman is cautious that no baleful seed is sown on his ground, that the wheat he strews is unmixed with tares, and he reaps an abundant harvest.

So in this temperance movement—let us by laws close those places of resort from which the seeds of ruin and death are strewn over the fair fields of youth and innocence, and future generations will reap the harvest of a sober, industrious, and prosperous manhood.

CHAPTER XVII.

DEACON ABIJAH STONE—HIS COW—EFFECTS OF HIGH-PRICED GOODS IN AN EARLY DAY.

> "A jest's prosperity lies in the ear
> Of him that hears it, never in the tongue
> Of him that makes it."
>
> —*Shakespeare.*

> "Care to our coffin adds a nail, no doubt;
> And every grin so merry draws one out."
>
> —*Peter Pindar.*

ALTHOUGH the law is grave and dignified, yet there are times when both judges and lawyers lay aside the solemn conventionalities of the court-room, and indulge with infinite relish in joke and jest. At convivial meetings and bar suppers, restraint is laid aside, and stories of rich experience related, where each has been in turn either the victim or perpetrator of some joke, long remembered and often narrated. In former times the convivial glass was considered necessary to the evening's enjoyment, and many tales are told by the grey-headed veterans of the profession of those times when wit warred with wit, and no quarter was asked or expected.

At one of these meetings the following incident was related by a sober, staid old lawyer, who was then a pillar in the church, and a most exemplary man, but about whose former life the echoes of the past whispered many strange stories; and as he related it his eyes twinkled at the recollection, like the slumbering sparks in a nearly extinguished fire. "I tell the tale as it was told to me."

Seventy-five years ago the county of Allegheny included within its boundaries a large portion of western Pennsylvania. When other counties were formed out of its territory, the county seats where the courts were held were far apart, the roads very bad, and the attorneys and President Judge used to "ride the circuit," as it was called, on horse-back. In some instances and some seasons of the year, it would be several days' travel from one court to another. The wayside inn, or country tavern, now almost extinct, was the home of the weary traveler and the pride of its proprietor. Generally situated at the corners of some "cross-road," it was, soon after its erection, joined by a blacksmith shop, a country store and post-office, and became the nucleus of a bustling, thriving town or village.

The bar-room of the "tavern" was the assembly room where all the politicians and gossips of the surrounding country met together in the evenings, and over the pipe and glass discussed grave questions of State, government, and religion, while "news much older than their ale went round." The prospects of the coming harvest, the *injun* depredations were

talked over, canvassed, and weighed with profound wisdom and great volubility.

> "'Twas there where the grey-headed gossips would meet,
> And the falling of markets, or goodness of wheat—
> This field-lying fallow—that heifer just bought—
> Were favorite themes for discussion and thought.
> The merits and faults of a neighbor just dead—
> The hopes of a couple about to be wed—
> The doings in Congress—the bill and debate—
> Were all canvassed and weighed as the hours grew late."

The pride of the landlord was his bar, which usually occupied one side of the room. This was arranged with a row of sturdy, aldermanic-shaped decanters, filled with "Old Rye," "Old Peach," "Cherry Bounce," "Tansy Bitters," and all the other primitive liquors and compounds which so pleased the taste of the "Fathers of our Republic," while bottles of infusions of "Moosemissy" and "Cherry-tree bark" offered their sanitary services to the early settlers to ward off the "fever and ager" and kindred diseases so prevalent in a new country.

The landlord of one of the most popular of these resorts was one Deacon Abijah Stone, a pious and exemplary man, a pillar in the church, and yet one who always kept his "eye on the main chance," and who boasted, withal, that he had never been "done for" in a trade.

The Deacon was a temperate man, as the world then went; yet it was whispered that he was somewhat fond of his own good cheer, and when the judges and members of the bar met under his hos-

pitable roof, he laid aside his scruples and indulged with the rest.

These events were always followed by curtain lectures from his good wife, which were delivered in a style more remarkable for their emphasis than for the elegance of their diction. But it was all of no use—when the lawyers came the Deacon would forget himself, and it was always observed that the next day he looked more than usually solemn, and took particular pains to deliver to his customers homilies on the evils of intemperance.

On one of these occasions the younger members of the bar, and, it was whispered, some older ones, too, planned a practical joke, which was carried into effect as could only be done by a set of graceless scamps whose familiarity with the law bred contempt for its mandates.

The Deacon had for nearly twenty years been the owner of a lop-horned, star-faced, brindle cow, which, for her lacteal resources, he highly prized. She was well-known in the neighborhood, and there was not a truck-patch owner within five miles but was most intimately acquainted with her. It had happened that in one of her nocturnal predatory excursions, by some wicked hand she had been "curtailed" until she somewhat resembled Tam O'Shanter's mare, after she had passed the "*key-stane* of the brig."

One very dark night, while some of the lawyers were plying the Deacon with his own generous liquor within, without a foul and wicked plot was being executed against him. Those engaged in it went to

the stall of old Brindle, and with a saw shortened considerably her horns, while with a relic obtained from a neighboring tan-yard, some shoemaker's wax and a string, they lengthened her caudal appendage as it was in the days of her youthful innocence. With some paint well applied, the star in her forehead vanished like a missing orb in a constellation, and all was ready. One of the young attorneys then entered the bar-room, where he was immediately asked by his coadjutors where he had been. He replied that he had been to secure a fee—that a client of his, who was unable to pay cash for legal services, had given him a cow, and now that he had her, he did not know what to do with her. He wished he could sell her for one-half of what she was worth. Here the Deacon pricked up his ears, and looking as innocently indifferent as if he never intended to purchase another cow in his life, asked where she was, and what the owner would take for her. He was informed that she was in a vacant lot across the street. The Deacon lighted his lantern, and, with the owner of the cow and several others, walked over to take a look and make a trade. It was not far in a straight line to the lot where the cow was, but it was observed that the Deacon had considerable lateral motion in proportion to his direct movement. After some time the cow was reached. The Deacon, by the dim light of his lantern, looked her over, and remarked that she had not a single point of a good milker about her, being in this respect totally unlike his favorite Brindle. After some talk about the price, the *quasi*

owner agreed to sell the Deacon the cow, if he would receipt for the whole bill of all the lawyers and judges that night, and give them all the liquor they could drink before they went away. This the Deacon agreed to do, reflecting that it was then late and that they could not drink much more, as they had to start before day-light, to be able to reach the county town in time for court next day.

When the night's carousal was ended, and the judges and attorneys had all started on the road, the Deacon retired to his marital couch and slept the sleep of the just, regardless of the admonitions of his good spouse, first telling her, however, what a good bargain he had made in the trade for a new cow, and how his anxiety for the welfare and sobriety of the members of the court had induced him to mix a certain quantity of water with the liquor he brought up after the trade was made. This statement somewhat mollified the acidity of the good lady's temper. In the morning she arose early, and directed the hired girl, Belinda, to go across the road and milk the new cow the Deacon had bought, as she wanted to see how "big a mess" she would give.

The girl soon returned and informed her mistress that she believed the new cow was only old Brindle *curtailed* at one extremity and *retailed* at the other, in a way she could n't exactly understand, yet, nevertheless, she was satisfied it was so.

The old lady strode across the street, looked at the cow for a moment from one point of observation, and then from another, until she was convinced;

then, hastily returning, she dashed her sun-bonnet on the kitchen table, walked into the bed-room, and astonished the good Deacon with the following pointed remark:

"Deacon Bija Stone! you old fool! as sure as you live, you have went and gone and bought your own cow, old Brindle! And yet you said you war'n't drunk!! Them pesky lawyers will git you so drunk some night that you will sell yourself to the evil one, and cheat him in the bargain!"

The Deacon looked at her for a moment in blank amazement, until he fully imbibed the fearful import of her words. Then he arose, dressed hastily, and started for the scene of his late purchase. As he approached, old Brindle stood quietly chewing her cud and brushing the flies off her sides with her improved attachment. She evidently didn't understand it any better than Belinda did, but appeared perfectly content with the addition made to her means of defense against her tormentors.

The Deacon looked at the familiar form of the old cow also from two standpoints, and immediately became a convert to the "Belinda theory."

Old Brindle was never seen in that neighborhood afterward, nor was the Deacon from that time ever known to take a drink. He became an earnest worker in the early temperance cause. But it was for a long time after considered dangerous to ask him the price of cows in the neighborhood.

Among the members of the bar who frequently stopped with the Deacon was one J. F., an able law-

yer, an eloquent advocate, and withal an incorrigible wag and joker. The Deacon was a very warm friend and admirer of his, and used to quote him as authority on all disputed points or legal questions that arose among the gossips and habitues of his bar-room.

A new judge had just been appointed by the Governor for that circuit, and early on the morning of court week F. rode up to the Deacon's door, hitched his horse to the sign-post, and went to the bar for his usual drink. He was met by the Deacon with a smiling face and outstretched hand. After the drink had been disposed of the Deacon said:

"Wall, 'Squire, how do you like the new judge?"

"Oh," said the lawyer, "he is a good judge but for his one weakness—his single failing."

"You don't say!" said the Deacon.

"Yes," said F. "He is a good lawyer and a thoroughly honest and upright judge, but the truth is, Deacon, he is very much given to drink."

Now, as this was some two years after the Deacon's unfortunate purchase, he had almost forgotten how strong was the temptation of the social glass, and was very much shocked and grieved at the information.

"Why don't you talk to him, 'Squire," said he, "and see if you could not induce him to quit drinking?"

"I have," said F.; "so have all the members of the bar; but it does no good. Now, Deacon, if a man like you, a good, pious, temperate man, with

your years and experience, would speak to him, it might do some good—if you were to tell him that the too frequent use of intoxicating liquor as a beverage, if long persisted in, benumbs the faculties, blunts the moral sensibilities, and finally leads to premature dissolution, disease, and death."

"How is that, 'Squire?" said the Deacon; "say that ag'in." F. repeated the remark with great solemnity and deliberation. "I'll do it, 'Squire, I'll do it," said the Deacon, "the first time I see the Judge."

F. mounted his horse and rode on, smiling at the thought that the Judge was only a few miles behind him on the road, and, as the morning was cold, he had no doubt that his honor would stop at the Deacon's for a drink, although he was a very temperate man for that day.

Not long after, the Judge rode up, hitched his horse, went into the bar-room, shook hands with the Deacon, and called for a "hot whiskey sling."

"Judge," said the Deacon solemnly, "I wouldn't do it. If I was in your place, Judge, I wouldn't do it."

The Judge looked at him in astonishment, and asked him what he meant.

"The fact is, Judge," said the Deacon, "the too frequent use of intoxicating liquor on an average, if consisted in, numbs the factories, blunts the moral senses, and finally leads to amateur disease and death."

At that moment the Judge recollected that F.

must have passed along that morning, and immediately took in the situation.

"Deacon," said he, "ain't you the old fool that once got drunk and bought his own cow?"

This was the weak spot in the Deacon's armor.

"Judge," said he, his choler rising with the occasion, and as he proceeded—"Judge, it's a mistake! It is false, Judge!! It's not true!!! I told Seth Jones so on last 'lection day—I told 'Squire Smith so last week—I tell you, Judge, it's an outrageous—infernal—d—d lie, and I can whip any man that believes the story!"

THE JUDGE'S STORY.

"Now, Judge, it is your turn," said a young member of the bar to our venerable Court after the last incident had been related—"it is your turn for a story." The good old man looked benignly at the attorney, and asked him if he ever heard of old Judge M., of Clarion county.

"Heard of him!" said the attorney. "Why, he is my father!"

"Oh, thou most wise son!" remarked the Judge, "I will tell you a story about him that happened before you were born, and probably before such a calamity was ever anticipated.

"In the early settlement of western Pennsylvania, the production of iron from the ore was an important and profitable branch of business. Blast furnaces were built among the hills of Venango and Clarion counties, and each became the centre of a thriving

village. The iron-masters always kept a country store, out of which the hands employed about the furnaces were generally paid. The stock of goods usually kept in these stores was of a kind in most demand among the early settlers, and they were marked at a price so high that it would astonish a modern merchant, and bid defiance to any known rule of profit or percentage.

"One of these furnaces was built by Judge M., a wealthy pioneer in the west, as it was then called, a most excellent man, and a great lover of a joke. He was well known and esteemed for his kindness to his employees and for his honesty. Nevertheless, the goods with which he paid his men were marked at a price so high that it was a standing joke in that little community that the Judge's clerks had to use a ladder when they marked them.

"Among his men was one Sam S., a most industrious, hard-working man, and one who, when sober, was noted for his honesty and truthfulness. Sam was a great wag, and a great favorite with all his companions, and more particularly so with the Judge, who often said that, when sober, he was true as steel. But Sam would occasionally get on a spree, and, when drunk, became a perfect kleptomaniac. He would steal anything portable that he could find. When sober he would not seem to know how the stolen property came into his possession. One day he got on one of his periodical 'play spells,' as he called them, and that night the Judge's store was broken into and a quantity of goods stolen. The

event created quite an excitement, and the next day all the loungers of the settlement were gathered at the store discussing the matter, and proposing measures to capture the burglar.

"While the excitement was at its highest, to the astonishment of all, in walked Sam with the bundle of stolen goods, and laying them down on the counter, he coolly said, 'Judge, you know I am an honest man, and a poor man, as works hard to support myself and the old woman. Wall, yes'day I got on a drunk, Judge, not a very big one, but a middlin' size drunk. I went home and slept on the hay in the barn, and this morning when I woke up I found I had *stole* these goods. Fust I didn't know where they come from, fur I don't 'member nothing about it. But when I opened the bundle and saw your price marks, then I know'd where I got 'em. But when I took a more keerful look at the marks, I saw they were marked so high that I couldn't afford to steal them at that price, for you know, Judge, I am a poor man, and can't stand the swindle; and if you'll jest take 'em back and call it square, I'll never take another drink.'

"There was a roar of laughter in which the Judge joined heartily. Sam was forgiven, and kept his word, and was never known to take a drink of liquor again. Years after, when by sober industry he had paid for a farm on which he lived, he was heard to remark that it was lucky for him that the old Judge used to mark his goods so high, for it made a sober man of him, when but for that he might have died a drunkard."

CHAPTER XVIII.

COMPULSION AND PERSUASION.

"See Brudder Brown—whose saving grace
Would sanctify a quarter race—
Out on the crowded floor advance,
To beg a blessin'——."

—*Irwin Russell.*

"Where sin abounded, grace did much more abound."

—*Rom.* v. 20.

SAID a reverend friend to me once: "You can do nothing in the cause of temperance by harsh laws, or by force. The only way to make men better is to show them the evil of their ways, and try to persuade them to do right; moral suasion is the only effective means of reforming men. Did you ever know a man who became a Christian through force? Men will not be driven into the path of rectitude. Ministers don't try to drive them to the 'anxious seat'—if they did they would fail. They persuade them. All men must be sanctified through faith, and then 'divine grace' will help them. The only way to convert sinners is by the Holy Spirit, acting through grace; and by grace will they be sanctified, and——"

"Stop, my friend," said I, "you are already *de profundis*—at least you are beyond my depths. You are entirely too metaphysical—I mean metaphysical in the Scotchman's definition of the word. Inquired one Scotchman of another, once: 'Jamie, what do ye mean by metaphysics?' 'Dinna ye ken, mon? I'll tell ye. Its when ain mon is spaking and an ither mon is listening, and when the mon that is listening dinna ken what the mon that is spaking means, and when the mon that's spaking dinna ken what he means himsel—that's metaphysics.'"

Let us think a moment and see if men cannot be driven. What is the object of our penal code? Does it act by the force of moral suasion? Observe its most persuasive sentence: "And the man so offending shall be guilty of a felony, and on conviction shall be sentenced to pay a fine to the Commonwealth of five thousand dollars, and undergo imprisonment by separate and solitary confinement in the penitentiary for a period not exceeding ten years for the first offense, and on conviction of the second offense, for life."

Now, it strikes me that that is a very forcible way of persuading men to abstain from the commission of crime. A man who cannot be persuaded by the seductive power of that section must be very obdurate indeed. Why do we send men to prison? Is it to persuade them? Does not the law by the infliction of its penalties drive them into the path of rectitude, and by the terrors of its punishments prevent others from committing crime? Does the fear of

the gallows persuade men to regard the lives of their fellow-men, or does the fear of an ignominious death drive them to a proper respect for others' rights? Are men persuaded to run from a falling tree or a burning building? How many in this wicked world are driven to serve God through fear of the devil? Why do ministers preach to sinners of the wrath to come, and of punishment in a future world, except it be to drive them to do right in this?

The ancients symbolized their idea of justice by the form of a beautiful woman. She was represented as blindfolded, that she might not see the differences in the social position of those who were her suppliants. In one hand she held a pair of scales at equipoise, to teach men that equal justice was dispensed to all; that before her tribunal the beggar in his rags and the millionaire clothed in purple and fine linen met as equals, and that the measure of justice that was meted out to the one was measured unto the other. In the other hand she held a naked sword, to symbolize the fact that justice was swift and unrelenting in executing the mandates of the law; for the protection which the law affords the citizen depends upon the certainty with which the penalties for its violation are inflicted. But for the persuasive power of that naked sword, men would hold their lives, their liberties, and their property, by a frail and feeble tenure indeed. The naked sword of justice is ever present in the mind of the law-breaker, and by the effective power of fear it, and it alone, persuades him to do right.

Mark Twain relates a western incident as follows: "Bemis once shot at the deuce of spades, nailed to a tree, with an Allen revolver, and fetched a mule standing about thirty yards to the left. Bemis did not want the mule—he had no use for it—but the owner came out with a double-barreled shot-gun and persuaded him to buy it anyhow."

That is the kind of persuasion that seems the most effective to an old lawyer. The law would be totally ineffective but that, through fear, it compels men to respect the rights of their fellow-men. It is not the cunning device of the locksmith that protects our property, but the fear of the naked sword. You inclose a sum of money in a paper envelope, and send it on a journey of hundreds of miles through the mails, on its mission of business or charity. Is it the power or influence of persuasion that goes with it and protects it from the avarice of the thief and robber? By no means! The frail envelope that incloses it could be destroyed by the hand of a little child. But in all its long journey it is guarded and protected by the fears of men, and is safer far than if its only protection were "bars of brass and triple steel." Oh, how feeble would be the safeguards of the rights of men but for the might and majesty of the law! What paralyzes the arm of the murderer or stays the knife of the assassin but the fear of the naked sword of justice?

In vain do you persuade men with well-worded maxims, pious precepts and proverbs to do right. The stern and inflexible decree of divine justice

"the soul that sinneth shall die," has made more Christians and honest men than would volumes of persuasion and entreaty alone.

"Honesty is the best policy," says the maxim; that would persuade men to be honest, because it is politic to be so, and therefore as a general thing most profitable. But when the time comes that it is neither politic nor profitable to be honest, what then does the maxim teach? Why, as the only reason given for being honest is because it is the best policy, when it is no longer politic to be honest, the reason ceases, and then what? The logical conclusion would evidently be bad morality.

I do not, of course, object to persuasion as one of the measures by which men are reformed. It is many times effective, yet it is certain that hunger and the husks had more effect with the son than an indulgent father's admonitions. "I will arise and go to my father's house." Why? Who persuaded him? No one—the stern demands of hunger, cold, and want drove him to reformation.

Persuasion is most generally like the fair words that the farmer used to prevail upon the boy to descend from the tree—when they were ineffective, it was found there was great virtue in stones. And in this great temperance reform, while I would if I could persuade everybody to abstain from strong drink, I would hang the naked sword of justice and the law over the head of the grog-seller, like that of Damocles, by a single thread; and if he persisted in selling liquor to the ruin of his neighbors, and the

thread should break, I would try and restrain my emotions in such a manner that my grief would not be obtrusive.

To say that men cannot be compelled or driven to abstain from the liquor traffic by legislation is to say that they cannot be controlled or governed by law. Let us have laws that prohibit the sale of liquor under severe penalties, and those who violate them will soon discover that the arm of the law is stronger than the arm of man.

The truth is, men can be driven to do right, and by the law are so driven all along the highways of life; with grace or without it, sanctified or unsanctified, it matters not; they obey because disobedience brings punishment. As in the physical world, so is it in the moral. Men are driven by hunger to labor for food, by thirst to work for drink, and by cold are they driven to toil that they may be clothed. Man was born a slave to nature's laws, and he must obey or die; and in society every man is a slave to the laws that compel him to respect the rights of his neighbor as he would have his rights respected, and when he disregards the obligations he owes to society for the protection afforded him by the law, our courts do not try to persuade him, but he is driven by penalties to obedience and subjection.

CHAPTER XIX.

PAT FLANNIGAN'S LOGIC.

"'Tis wisdom to beware,
And better shun the bait than struggle in the snare."
—*Dryden.*

"But let the strong temptation rise,
As whirlwinds sweep the sea:
We find no strength to 'scape the wreck,
Save, pitying God, in Thee."
—*Mrs. Hale's "Alice Ray."*

"PATRICK FLANNIGAN," said the District Attorney one day in court, "stand up and plead guilty or not guilty to the charge the Commonwealth has preferred against you!"

When Pat had complied with the polite request thus made by the officer of the law, the Attorney proceeded to read from a paper in his hand a very graphic description of a certain transaction in which Pat had been engaged a few days before.

"What say you? Are you guilty or not guilty?" asked the Attorney.

"I am not guilty of half thim things ye've read to me," said Pat, looking at the Court; "but I did have a bit of a row last Saturday was a week; an' I

dunno jist vat I did, fer ye see I was stavin' drunk, on the meanest corn whiskey yer honor iver tasted."

"But, Patrick, we never taste it," said the Judge, while a smile lurked in ambush behind the grave judicial countenance.

"Sure, now, don't ye, though?" said Pat, with a look of mingled surprise and incredulity—"don't ye though? Well, thin, ye ought to jist once, to know how the crather acts, an' to know how to pity a poor fellow that does. Sure, yer honor grants licenses, an' how do ye know the mischief yer doin' to honest men like mesilf unless ye take a drink now an' thin—jist to see how it makes a man behave hisself."

"Who gave you the liquor, Patrick?" asked the Court, on a voyage of discovery.

"Well, I dunno vat's his name," said Pat, too honest to turn informer, while a gleam of true native humor twinkled in his eye. "But I know I seed a license hangin' ferninst the bar. Ye see, Judge, I was wroughtin' for the city on the streets, jist close by, an' I was drouthy, an' it was so handy, I wint in an' took a drink that ortent to 've hurt a baby; an' in tin seconds I was crazy drunk—an' I dreamt I was at a Donnybrook fair; an' that's all I remimber till nixt mornin', whin I was boardin' at Sheriff Ryan's hotel."

"But," said the Court, "you are charged with perpetrating an aggravated assault and battery on Mr. S., the hotel-keeper."

"Well, yer honor," said Pat, "if I did, I only gin him back jist vat's in his own whiskey; an' if yer

honor hadn't gin him a license, I wouldn't 've got the drink; an' if I hadn't 've got the drink, I wouldn't 've bin drunk; an' if I hadn't bin drunk, I wouldn't 've got into the fight; an' if I hadn't 've got into the fight, I wouldn't 've bin here this mornin', onyhow."

This was a process of reasoning new to the Court. It was a self-evident truth dressed in plain clothes, and while the law was with the Court, Pat evidently had all the logic, and he here summed up the mischief of the license system in a few sentences.

Scores of men are made drunk every day, just because it is so easy to obtain liquor. The law places it in reach of every man. On all the streets of our towns and cities are hung notices of "Choice Liquors," "Cool Lager," "Ale," and "Fancy Drinks," to tempt the laboring man to come in and spend the money for strong drink, that his family need for bread. On the path he must walk to and from his daily occupation he sees these temptations on every side. The licensed saloon and grog-shop afford him every facility to become a drunkard. His appetite, renewed and kept alive by indulgence, urges him on. There is no obstacle in his road to ruin—on the other hand, that road is opened and made plain and easy by the law. What wonder is it then that the rum-shops flourish while the families of their victims starve?

Should a gambling-house be opened in our midst, straightway the officers of the law hasten to abate the evil. The owner is arrested, and the law is swift to

punish the offender. Why? Because the vice of gambling affects the morals of the community. By it men's passions are depraved and their fortunes wasted away. Does not the grog-shop do more? Does it not more certainly affect the morals of society? Does it not waste the fortunes of men? Is not the circle of its baleful influence greater? Does it not affect a greater number? And more than all this—does it not also cause disease, that is transmitted from father to son, from generation to generation, poisoning the very springs of human life, while it scatters death on every side?

Is a house of ill fame covertly established? Verily it cannot long escape the notice of the moral people around it, or the lynx-eyed guardians of the publlc peace and welfare, and punishment dire and certain is meted out to the offender clothed in scarlet. Why, a most just, indignant, and consistent (?) people will not always wait for the slow process of the law, but, in their zeal to purify the public morals, will sometimes take the law in their own hands, and administer to the frail victims of their vengeance punishment most condign. Why is this? Because society is so careful of its morals that it will not tolerate temptations to evil in its midst. And when some feeble offender seeks to establish a place wherein to pander to the lusts of men for gain, a Christian community will not permit it. No, it tempts men to sin! Public indignation is aroused, and a mob most likely becomes the champion of virtue and morality!

But by the side of this evil stands the grog-shop, with its open portals leading from earth to hell. But it is a time-honored institution, beloved by politicians, begotten by law, sustained by license, and tolerated by a Christian people. It rears its poisoned front in all our public thoroughfares, tempts men to sin, invites them to ruin, is a source of nearly all crime, and a libel on the Christian civilization of the age. Verily do we

> "Compound sins we are inclined to,
> By damning those we have no mind to."

If we may judge the tree by its fruit, the gambling hell and house of ill-fame—bad as they are—are temples of innocence and virtue compared with the licensed bar-room and grog-shop.

If we license the sale of whiskey, why not license gambling and prostitution, or any other vice that will pay a tribute to the State therefor? Yes, why not stamp the broad seal of the Commonwealth on the very blade of the knife of the assassin. The influence of this wicked traffic is most often felt in the hand that grasps the hilt. The drops of blood on its point are but so many tributes paid by murder to the law. And if the law sanctions the influence and motive power, why should it not sanctify the instrument and approve the consequences.

Our City Council once constructed a beautiful water fountain in the centre of the public park. It was intended for use as well as ornament—it was deep and large, and was made to hold a supply of water

for the use of engines in the event of fire. For a few days after its completion it was left unprotected by a railing, and late one dark and stormy night a poor laborer, who was going home from a neighboring licensed hotel (alias grog-shop), too drunk to keep in the pathway, fell into the fountain and was drowned. The body was taken out of the water the next morning, and in the pocket of the unfortunate victim was found a pint flask partly full of whiskey. He left a wife and family that depended on him for a miserable support, but, such as it was, it was better than starvation. The coroner's inquest censured the City Council for their great negligence in leaving the fountain unprotected by a railing. The citizens were indignant, and particularly the hotel (?) keeper, who had lost a good customer. Anathemas, long, deep, and loud, were hurled at the devoted heads of the "City Fathers," for their carelessness and disregard for the safety of the citizens. Grave and serious as the occasion was, I could not help smiling at the misdirected wrath of the people. It was determined to fence the fountain in immediately with a strong iron railing, to prevent such accidents in the future. I suggested that as there were a number of bridges in the city from which drunken men might fall and be drowned, while they were fencing the fountain, the resolution be so amended as to provide that a fence be first erected around the grog-shop, and the fountain attended to afterwards. I also mildly stated that, as a matter of economy, it would be better, for it was probable one fence would be all that was neces-

sary, if it were erected in the right spot, to protect all the dangerous places in the city. I wanted a fence around the whiskey as well as the water. It was amusing to see the look of blank astonishment on the intellectual faces of the jurymen. The proposition was so new that it required time to take it all in and to give it that consideration which I thought it deserved, but which it never received. One of the jurors sagely remarked to his fellow, that while the City Attorney was reasonably rational on most subjects, he was becoming positively "luny" on the question of temperance. And sometimes, when I have been talking to the average-minded citizens on this subject, I imagined that I was in some such predicament as the lunatic who, while confined in one of our asylums, was asked by a visitor why he was there, and replied that it was only for a difference of opinion; that "he thought all the rest of the world was mad, and that all the rest of the world thought he was mad, and that the world had it by a 'large majority.'"

But why not build a fence around the grog-shop, to keep the drunkard and the man that is fast becoming one from entering its vile and polluted precincts? It is much easier to do so than to fence every pool and gutter into which the poor inebriate is likely to fall. Throw around the drinking resort the prohibition of law and the ban of society; let the omnipotent voice of the people cry aloud against this evil; let public opinion speak by petition to the Legislature, in the name of justice and in behalf of

poor, fallen humanity, that would do better if it could; let the people demand the protection of prohibitory laws and the overwhelming curse of intemperance will be eradicated from our midst. "*Vox populi, vox Dei.*"

CHAPTER XX.

A POEM BY A YOUNG LADY.

THE following poem was written by a young lady, who was told that she was a monomaniac in her hatred of alcoholic liquors.

The lines need no comment from me to impress them upon the mind of the reader. Perhaps many who read this page, from like experience, can most fully appreciate them. They are a vivid picture of the incidents of many a household, the sorrows of many a family who have had to mourn over a husband's frailties and a father's sins.

Our courts in vain attempt to protect the heart-broken wife from a drunken husband's blows, or the helpless children from a besotted father's cruelty. The strong arm of the law may punish, but it is only after the offense has been perpetrated. It does not interpose its hand between the victim and the drunkard's demoniacal frenzy. It holds no shield between the infuriated demon its licensed cup has invoked and the unoffending objects of his drunken anger. The naked sword of justice is raised in menace and to punish, but is not interposed between

the victim and the blow. No, that blow is inflicted in the privacy of home, where none can see it but those who feel its cruel torture. The law tempts the demon to the drunkard's fireside, and there leaves his family unprotected from the hellish passion its licensed influence and agency has aroused.

Like the story in the "Arabian Nights," where Aladdin had only to touch the lamp or the ring to call up the genii to do his bidding, so the man of debased appetite has but to touch with his lips the glass the law presents to him, and the demon comes, the slave of that appetite, ready to obey its behests, though it bid him murder the helpless and unoffending. In the vivid portraying of the poem, there is a volume of argument against the traffic in alcohol and the law which sustains it.

Go, feel what I have felt,
  Go, bear what I have borne;
Sink 'neath a blow a father dealt,
  And the cold, proud world's scorn.
Thus struggle on from year to year,
Thy sole relief the scalding tear.

Go, weep as I have wept
  O'er a loved father's fall;
See every cherished promise swept,
  Youth's sweetness turned to gall;
Hope's faded flowers strewed all the way
That led me up to woman's day.

Go, kneel as I have knelt;
  Implore, beseech, and pray.
Strive the besotted heart to melt,
  The downward course to stay,
Be cast with bitter curse aside—
Thy prayers burlesqued, thy tears defied.

Go, stand where I have stood,
And see the strong man bow,
With gnashing teeth, lips bathed in blood,
And cold and livid brow;
Go, catch his wandering glance, and see
There mirrored his soul's misery.

Go, hear what I have heard—
The sobs of sad despair,
As memory's feeling fount hath stirred,
And its revealings there
Have told him what he might have been,
Had he the drunkard's fate foreseen.

Go to my mother's side,
And her crushed spirit cheer;
Thine own deep anguish hide,
Wipe from her cheek the tear;
Mark her dimmed eye, her furrowed brow,
The gray that streaks her dark hair now,
The toil-worn frame, the trembling limb,
And trace the ruin back to him
Whose plighted faith in early youth
Promised eternal love and truth,
But who, forsworn, hath yielded up
This promise to the deadly cup,
And led her down from love and light,
From all that made her pathway bright,
And chained her there, 'mid want and strife,
That lowly thing—a drunkard's wife!
And stamped on childhood's brow, so mild,
That withering blight—a drunkard's child!

Go, hear, and see, and feel, and know
All that my soul hath felt and known,
Then look within the wine-cup's glow,
See if its brightness can atone;
Think if its flavor you would try,
If all proclaimed—'*Tis drink and die!*'

Tell me I hate the bowl—
Hate is a feeble word;
I loathe, abhor, my very soul
By strong disgust is stirred
Whene'er I see, or hear, or tell
Of the DARK BEVERAGE OF HELL!

—*Anonymous.*

CHAPTER XXI.

LEGAL MAXIMS.

"A maxim is an established principle or proposition; a condensed proposition of important practical truth; an axiom of practical wisdom, an adage, a proverb, an aphorism."

—*Webster.*

"ACTUS dei vel legis nemini facit injuriam."

"*The act of God or of the law is prejudicial to no one.*"

This is an old and time-honored maxim of the law, so venerable that it has come down to us from past generations gray-headed with the lapse of years, and full of the accumulated wisdom of our legal ancestors. Once, in the dark ages, before men had learned to legalize temptation to crime, it might have expressed a self-evident truth. But to-day, with the license law on our statute-book, it is a specious falsehood, a wicked and blasphemous libel on the name of the Deity.

To place the sacred name of the Creator side by side with the law that licenses the sale of liquor, and then assert as an axiom that neither the one nor the

other can prejudice mankind, because alike in their attributes, is wicked profanity.

The law says that drunkenness aggravates a crime, adds to its wickedness, for it is a sin by the law of God and a misdemeanor by the law of man. A traveler, a man of ordinary, sober habits, stops at a public inn, and under "*communis error*" (which, by the by, another legal maxim says makes law) he calls for a drink because it is a cold day, and he believes it will enable him to better withstand the exposure of a day's travel in the snow and sleet.

The "man of good moral character" sets out the bottle. The traveler knows not the quality of the liquor—only the proprietor is acquainted with that secret. The traveler takes a drink, and in a few minutes he is no longer himself. The demon he has purchased prompts him to take the life of another; reason has been driven from his brain by the very and actual presence of the alcohol there. He is arrested for murder, and pleads insanity from the drink he had a right to take, and whose unusual effect he did not contemplate. The law replies: "Drunkenness is no excuse for crime. You should not have drunk the liquor." "But," replies the traveler, "if the hotel-keeper had a legal right to sell the drink, had I not a right to purchase a drink?" "Yes," says the law, "you had a right to purchase, but not to get drunk; neither to commit a crime when drunk." The traveler answers: "I did not know the liquor I took would make me drunk, any more than the man who sold it to me. He must

have known the effects and qualities of the liquor he sold better than I, and when it made me drunk I did not know what I was doing. Why am I more guilty than he is?" The law answers: "Your hand alone is red with the blood of your fellow-man, and you must suffer the penalty of the law."

Now, was the act of selling lawful, and did it prejudice another?

The answer is plain. The law licenses the sale of that which every child knows makes drunkards and criminals, to the prejudice not only of the criminals, but their families; to the prejudice of the citizens who are taxed to pay the expense of the criminal courts; to the prejudice of good morals and of all who are in the remotest degree interested in the victims of this unholy traffic. And yet, with profane lips, the law utters this time-honored falsehood. Of course this maxim is held by the courts to apply in a manner different from the application I make, yet the principle is the same.

The Deity acts by general laws, that equally affect all his created beings. From the insect that sports in the sunbeam to man, the image of his Creator, the laws of vitality are the same. The physical laws that mould matter into its many diversified forms are alike under all circumstances, whether exercised in shaping an atom or forming a planet, and they must remain the same for all time to come. The moral laws that govern men are alike inflexible and unchangeable. No man can justly claim a royal prerogative to tempt his fellow to sin, and it is useless

to assert as an important practical truth that "the law prejudices no one," when it legalizes temptation and grants such a prerogative.

The maxim should be true, but it cannot be so long as a few men, for a sum of money, may purchase the right to prejudice their fellow-men by spreading temptation in their way. No man has a right to place a stumbling-block in his neighbor's pathway, lest that neighbor stumbles and is injured by the fall, and if the law permits it, it prejudices the one thereby injured.

"Qui facit per alium, facit per se."

"*He who does anything by another does it by himself.*"

This is another legal maxim, and the truth enunciated therein is so plain that all can see it.

If then I permit a clerk to sell my goods, it is the same as if I sold them myself, and I am liable for all my agent may do in transacting my business, within the bounds of his authority to act for me.

Now, the law licensed A to sell liquor. A sold to the traveler, to his prejudice. The traveler is condemned by the law and punished, and the law and its agent are blameless. The agent acted within the scope of his authority in selling. The traveler had a right to drink. The effect produced by the liquor was beyond his control. That effect prompted him to commit a crime. Is he alone guilty? I advise B to rob C; C resists, and B kills him. I am responsible as an accessory before the fact, and punished

with nearly the same severity as B, the principal, because it was probable C would resist, and that B would kill him to complete the crime I had advised him to commit. In other words, an accessory is responsible for the *probable* consequences of the act of the principal. Now, A has no right to sell liquor but for the permission given him by law. With that permission he does sell to the traveler; and the results, drunkenness and crime, are just as probable as that he who is advised to rob C would kill him. A knows this full well, and yet in law he is blameless. The truth is that the law is accessory to every murder committed by men who drink from a legalized cup, and should be "hanged by the neck until it is dead"; and may God have mercy on the souls of the legislators who enacted the law, and cannot be punished in this world.

"Salus populi est suprema lex."

"*The welfare of the people or of the public is supreme law.*"

This is another legal maxim, as venerable in years as truth itself, full of wisdom, full of justice, and overflowing with kindness and good will toward mankind. What a pity it is that it is not true! for true it is not, unless the liquor-sellers constitute "the people or the public." The wisest and ablest advocate of the license law in our legislative halls could not "hiccup" a respectable argument to show that the law was for the good of the public. No, it is only for a class, and the benefit they derive from it

is founded upon the ruin of others. The fortunes accumulated by the liquor-sellers in every land are, like the thrones of the kings of the cannibal islands, built upon pyramids composed of the skulls of their victims.

Do not sobriety and industry increase the welfare of a nation? Are not intemperance and idleness a curse to a people?

Does not morality add to a nation's prosperity? Does not intemperance lead to the commission of crime, and tempt men to sin?

Is not industry better than idleness? prosperity than pauperism? morality than sin? Is it true that "righteousness exalteth a nation, but sin is a reproach to any people?" Are not these all axioms, all self-evident truths? If so, then is not the use of alcoholic drinks an injury to the public? And does not the license law promote and increase the use and sale of liquor?

Now let us apply the maxim. The supreme courts of several States have decided that the license law was not incompatible with constitutional rights. The laws that permit the sale of intoxicating drinks have repeatedly received the judicial sanction of the courts, and the right to sell liquor is to-day the supreme law of the land. No one will pretend that it is for the public good, no one believes it to be for the welfare of the people, and yet it is supreme law—and the maxim a falsehood.

"Summa ratio est quæ pro religione facit."

"*The highest rule of conduct, is that which is induced by religion.*"

It is a pity that this legal maxim could not be inscribed upon the walls of our legislative halls and upon the hearts of our law-makers. If religion was the motive power that inspired and moved our legislators in the laws they enact, the liquor-license law would never have received their sanction, and now, if moved by the inspiration that comes from religion, they would erase it forever from our statute book.

As a Christian people, we are to-day, on some moral questions, far behind the semi-barbarians of the Old World. We send missionaries to convert them, when we might receive many valuable lessons of human conduct from them, and our moral condition be improved thereby. In other words, we could trade a few missionaries and religious teachers with them, "even up," and be benefited by the exchange; and I am half inclined to think that we could pay some "boot money, and yet get the best of the bargain."

Mohammed prohibited the use of intoxicating liquors among his followers over twelve hundred years ago, and to-day that part of their creed is as much respected and held as inviolate as it was in the lifetime of the prophet. What a field for reformatory labor would our State Capitol afford for a number of good Mohammedan missionaries, and if they should prove successful in converting the Senate and House of Representatives, how much the cause of Christianity would be advanced thereby. But I

fear me it would be a hopeless task, unless the missionaries were first naturalized so they could vote—then their influence might prove effective.

Why is it that modern Christians are, on the subject of temperance, so far behind the nations of the far-distant past? The Chinese forbade the use of wine eleven hundred years before Christ, and that prohibition remains there to-day. Carthage prohibited its use among the soldiers, Lycurgus, the Spartan law-giver, punished intemperance as a crime, and Romulus sentenced women to death for intoxication—what he did with the men I don't remember, but if they did not vote they were undoubtedly punished severely. If "the highest rule of conduct is that which is induced by religion," then it must follow as a moral sequence, that as a religious people we ought, as a duty we owe to God and man, to abolish the sale and use of alcohol. Can there be such a thing as a Christian drunkard? If not, can there be a Christian people who promote drunkenness by law and increase it by license?

A celebrated evangelist preacher once met a drunken man in the streets of Cincinnati. The man had once been a member of a Christian church. He recognized the preacher, and going up to him, offered him his hand. The evangelist did not recognize him. "Why," said the man, with maudlin familiarity, "don't you know me? You converted me once." "Did I?" said the preacher; "well, you look just like one of my jobs. Now, if God had converted you, you would have washed your face this morning,

and been a sober man to-day. But I do some very bad work that I am sometimes ashamed of." Probably that evangelist had once been a chaplain of the House of Congress.

"In fictione juris semper æquitas existit."

"*In fiction of law equity always exists.*"

This maxim is too true, I am afraid, for the welfare of those who ask equity of the courts. There is too much fiction in proportion to the fact. Grotius says, "Equity is the correction of that wherein the law by reason of its universality is deficient."

Is it equity to apply the universal rule of law that punishes the wilful criminal to the man who is tempted to drink by legalized agents of the law, and under the influence of liquor commits a crime while almost unconscious of what he is doing? Is it equity for the law to say, I will tempt you to sin, and the temptation shall aggravate the offense? Is it equity for the law to excuse the accessory before the fact, and punish the principal, who would never have committed the crime but for the influence of the accessory? Is it equity to license accessories all over the land to tempt men to violate the law? Is it equity to spread snares in the way of the weak and obstructions in the path of the strong, and then punish those who stumble and fall? Is it equity to fill the public treasury with the price of the happiness and welfare of the citizens? Is it equity to make drunkards of one class of men by license granted to another? Is all this equity? If not, then this

maxim is true, and in law equity exists only in fiction, "and is a thing to be dreamed of but not enjoyed."

CHAPTER XXII.

THE YOUNG MOTHER, THE GOOD SAMARITAN, AND THE MAN OF GOOD MORAL CHARACTER.

"Then gently scan your brother man,
Still gentler, sister woman;
Tho' they may gang a kenning wrang,
To step aside is human:
One point must still be greatly dark,
The moving why they do it:
And just as lamely can ye mark,
How far perhaps they rue it.

Who made the heart, 'tis he alone
Decidedly can try us,
He knows each cord—its various tone,
Each spring, its various bias;
Then at the balance let's be mute,
We never can adjust it:
What's done we partly may compute,
But know not what's resisted."

—*Burns.*

"Misfortune may benight the wicked;
Who *knows* no guilt can sink beneath no fear."

—*Habbington.*

THE Judge had just delivered his charge in a case of considerable importance in which I had been engaged. The jury had retired, and, wearied with a long and tedious trial, I took up a morning paper,

and, seating myself in a retired portion of the bar, sat reading, resting, and "waiting for a verdict." The Court had directed the District Attorney to take up the "jail cases," remarking that he understood there were a number of prisoners in jail awaiting their trial, and that those cases should be disposed of first. The Sheriff had gone to bring in a prisoner, and, glad of a few hours' respite, I sat almost unconscious of what was transpiring in the court-room, and deeply interested in an account of Nasby's troubles in his efforts to get the Democracy of the "Corners" to ratify the nomination of that great original Democrat, Horace Greeley, for the Presidency. I was interrupted in the most convincing part of the great statesman's speech at Bascom's grocery, by the Judge calling my name. I looked up and saw the attorneys in the bar smiling "broadly" at something that had been said or done. In the criminal box I saw a young girl, not yet—as I afterward learned—fifteen years of age. She had just been brought into court from the jail on a charge of larceny. She was very dirty, and yet very pretty, and stood looking at me, at the Judge, and at the crowd in the room with a startled expression, like that of some untamed, wild animal that had just been caged, and had not yet decided whether its captors were friends or enemies.

"Mr. R.," said the Judge, "here is an appeal to your gallantry. This little girl is indicted for the larceny of a small amount of money. I asked her if she had an attorney. She says she has not, has no

money to pay one, but informs the Court she would like to have Mr. Al. R. defend her. Will you do so?"

"Certainly, your honor," I answered, "if the Court will permit me to have a few moments' conversation with my client."

"Yes," said the Judge, who was always fond of a joke, and particularly at the expense of the members of the bar—"yes, there can be no harm in that, provided it is done under the eye of the Court. You can take your client to the back part of the court-room, where I see some empty seats, and confer with her, while the Sheriff acknowledges his deeds."

The attorneys and bystanders laughed at the sly innuendo in the Judge's remark, and one would have supposed that a farce or broad comedy was about to be enacted, instead of the trial of a young girl for the commission of a serious crime, that would, if she were found guilty, stamp upon her fair, though alas! for the romance, somewhat dirty young forehead the brand of felony, and send her to prison.

She, in a simple yet intelligent manner, told me her story. Her father had once been a respectable farmer in our county; was well to do, and the owner of a comfortable farm. He had been addicted to drinking for a number of years; the habit increased; he always kept liquor in his house; and at last his wife, the young girl's mother, acquired the appetite, and they both became inebriates. The farm and property went—poverty and beggary followed. The habits of the father and mother brought low and

vile associates and companions to their miserable hovel. The little girl had from her infancy been surrounded by drunkenness, debauchery, and vice. She did not know what sin was, because she had never been taught what its opposites, virtue and morality, meant. To her, home was a pandemonium where she saw nothing but the vilest licentiousness, and heard nothing but ribaldry and profanity. The missionaries on their journey to Christianize the Western savages had passed unheedingly by her father's hovel and the near-by whiskey-shops. She said a good lady had once given her a Bible, but she could not read it, and her father had traded it off for whiskey.

At the early age of fourteen years she became a mother, while she seemed but a child herself. She had no clothing for her little babe, and only a piece of an old blanket to wind around the little waif, which, although thus scantily protected from the cold, was enveloped and enwrapped in a mother's love as pure and self-sacrificing as any that ever illumined and made happy the palatial home of wealth and affluence. Yes, the little stranger, though marked in its birth by a philanthropic and Christian world as a child of sin and infamy, all unconscious of its vileness and its sinful origin, smiled in the wretched mother's arms, and was to her yearning heart a sunbeam from heaven, that illumined the dreary, clouded landscape of her young life with the radiant beams of a mother's love. She now had something to love and to live for. What was the

world's opinion to her? She did not even know what it meant. The world's scorn had no terrors for her, for she had been a drunkard's child from her birth, and had never known anything else; but God had kindled beneath her bosom the Promethean spark of a human soul, a spark never to be extinguished; and now she clasped the despised little casket that held an immortal spirit to her bosom, and for the first time in her wretched life felt the pleasure of having something to care for and the holy bliss of maternal love.

On a cold and stormy night in the month of March, a few weeks after the birth of her child, her drunken father and mother had turned her out of doors. She wandered along in the snow and sleet until she came to the licensed hotel where her father had been made a drunkard, and where she had obtained for her mother the liquor purchased with the wages of sin. Here she stopped, and asked the man of "good moral character" to keep her and her child over night. He would have refused, but feared they might perish with the cold, and then what would people say of him? Not from charity or any feeling thereof, but because he dared not do otherwise, he permitted the poor half-frozen girl to warm herself and her child for a few moments at the kitchen fire. While she was doing so a neighbor came in and paid him a two dollar and seventy-five cent county order on some former indebtedness—probably for whiskey.

The little girl saw him fold up the order and put it in his vest pocket, and hang the garment on a

nail. She was given a blanket for a bed, with the permission to lie down on the floor until morning, and told that she must then leave and never come back there again. That night she took the money from the vest pocket, and early next morning started on her weary road to the little village of G——, a distance of fifteen miles. On reaching the town she went to a store, and with the order purchased some material to make clothing for her child. From there she walked, almost barefooted, a distance of ten miles, to the house of an old woman who had been no saint in her day, and therefore had no virtuous conscientious scruples against receiving into her house an outcast girl and her child. It was lucky for the poor thing that it was so, or the door might have been closed against her, and herself and child left to die on the road.

The next day the owner of the "moral character" spoken of discovered his loss, and straightway a complaint was made before a justice. The insulted "peace and dignity" of the great Commonwealth were aroused, and at public expense an officer clothed all over with the majesty and power of the law was sent on the track of the little girl. She was traced to the village of G——, to the store, where the county order was found and identified, and then the legal sleuth hound tracked her with commendable zeal through the snow of the fields and woods to the house of the old sinner who had dared to play the part of the good Samaritan, and become an "*accessory after the fact*" by aiding and harboring a felon.

The criminal herself was quietly sitting by the fire, making some baby clothes, while the old woman had the child in her lap, and was filling its little ears with the only words of love and kindness it had ever heard except from the lips of its sinful mother.

The officer of the law entered the house or cabin with the imposing mien of a man "clothed with a little brief authority," and with the sternness of manner usual to men in high official position, informed the frightened girl that she was his prisoner. The wicked old Samaritan expressed some doubt of the facts thus stated by the constable, and placing the baby in the lap of its weeping mother, she picked up the poker and proceeded to argue the question with the legal official in a manner so convincing that he retired from the controversy, and seemed himself to doubt the power of the law in such cases made and provided. He retired in good order—while the very woods resounded with the emphatic remarks made by the old woman to encourage him in his retreat. He soon returned with a posse of good citizens, all determined to arrest the criminal or perish in the attempt. Again old Samaritan was equal to the emergency. She met the men at the door with a kettle of boiling water in one hand and a gourd in the other, and informed them, in a style of language highly ornamented, that there were not men enough in Greenwood township to take the girl until she was ready to let her go, and that go she should not until she had time to make her baby some clothes, for it had never been dressed since it was born. She also,

in a few brief but appropriate remarks, advised the men to return to the bosom of their families, or something might happen that would render it difficult for their friends and relatives to recognize them on their return. She said that as soon as the clothes were made she would bring the girl down to the justice who issued the warrant, and she invited all her acquaintances to call on her there, but to please excuse her for the present, as some soap she was boiling over the fire needed looking to. She retired and closed the door in the face of law and justice, who also retired, for the old woman was well known,

> "And they all had trust in her cussedness
> And they know'd she'd keep her word."

Two or three days after, she appeared, as per agreement, before the justice, accompanied by the little mother and child. The owner of the "character required by law for a whiskey-seller" appeared and testified. The county order was identified, the testimony conclusive, and for want of bail the mother was sent to jail, where she was imprisoned for a number of weeks awaiting her trial.

Thus the matter stood on the morning of the day when I was asked to defend her. I knew that it was a hopeless case, that there was no chance for an acquittal, and so informed the poor girl. "Will they take my little baby from me," she inquired, "if they find me guilty?" I told her I feared they would, but that it would be well cared for, and when she got out of prison it would be given to her again.

"They shall not take my child from me," she exclaimed passionately. "I will die first! It is all I have in the world. I don't care what they do with me if they do not take my baby away. I never would have taken the money for myself, but my baby had no clothes, and I was afraid it would take a cold and die. Oh, if father and mother had not been drunkards I would never have been as I am. Mr. S., that keeps the tavern where father and mother get their liquor, has got all of father's property and my Bible the lady gave me, and I only took two dollars and seventy-five cents of his money; and last fall I husked corn for him, and he said he would pay me, but he paid father and mother in whiskey, and wouldn't give me anything; and then I got sick and couldn't work, and nobody would help me, and I had to steal, or may be my baby would have died."

I told the poor child I would do all I could for her, and we took our seats within the bar, amid the smiles of the attorneys and audience, but I never felt less like smiling than I did then.

The jury was empaneled, and the cause proceeded. The prosecutor testified in a peculiar drawling tone that excited the mirth of the by-standers. Everybody laughed, particularly when he said, on cross-examination, that he prosecuted the young girl from a "sense of Christian duty," because she was so wicked as to steal. The whole trial seemed to excite no other feeling than that of merriment, and when the witnesses narrated the scene when the constable went to arrest the prisoner, even the court smiled a *grave, judicial* smile.

We called the old woman in defense. After she had related the circumstance in her own peculiar style, the Judge told her that she had done very wrong in obstructing the execution of a legal process. She replied, "Judge, I didn't 'struct no execution; I jest told them galutes they shouldn't take the gal till she had made her baby some clothes; and they shouldn't, Judge, now that's so, true as you're born. I didn't intend to hurt 'em. You see, I know'd the fellers well, and I know'd one old woman with a gourd full of hot water could have licked the whole biling of 'em, and I thought it a shame for a whole lot of men to turn out to take one poor little gal. But they couldn't have took her while I was there, Judge, but I did'nt 'struct no execution. If they had said they had one, I'd paid it off, and gin old S. back his two dollars and seventy-five cents, though he's rich and I am a poor old woman. What was the great hurry ennyhow? I know'd the law could wait for the gal better 'n the baby could wait for its clothes. You ought to have seen it, Judge, it hadn't anything on but an old rag wrapped around it, and it was a'most perished with the cold. And I knew it wouldn't hurt old Skinflint to have gin the girl the money. He has got all her father's property, Judge, and it all went for whiskey. The gal's father was a nice hard-working man, until old S. got a license to sell whiskey, and he ruined him and lots of others I know of, too. There was Mat B. got drunk at his house the night he went a-fishing, and was drowned. Old Sam D. got drunk at his bar, and went and

hung himself. I tell ye, Judge, if he does pray in meeting, he is an old hypocrite, and hain't got any more religion than I have, and I s'pose I hain't got a stock more 'n will put me through the winter. But I don't sell whiskey and ruin folks, at any rate."

The old woman looked complacently around the room as she finished her remarks, gave Mary an encouraging smile, and left the witness stand with the consciousness, on her part, of a duty well done, and the approving smiles of the members of the bar and the audience.

The case went to the jury, and I could not help indulging in the following reflections:

Were we in the halls of Justice? Was the divine goddess really blind? Was she so thoroughly blindfolded by the symbolical bandage over her eyes that she in reality could see no difference in the social position of those who knelt at her shrine and asked protection at her tribunals? Here was a young girl on trial for the commission of a crime for which, if found guilty, she would be sent to prison, to consort with thieves and offenders of the worst character, and for months would be surrounded by the most depraved influences and the vilest companions. And although she was soiled in person, yet she was too young and inexperienced to have been indelibly stained in mind and soul. The whole trial had been conducted with a spirit of levity that illy became the Temple of Justice. I thought how different it would have been had the defendant been the daughter of one of our respectable, wealthy citizens. How

frequently the question would have been asked and answered in the same breath: What! Miss Pecksniff, the daughter of our worthy townsman, the Hon. Mr. Pecksniff, accused and indicted for stealing! It can not be so! What an interest society would have taken in the trial! There would have been no unseemly joking or mirth in the court-room; all would have been as solemn as the chamber of death. The defendant would have been accompanied by a score of female friends. The morning papers would have informed the deeply interested public that the defendant, a beautiful and interesting looking young lady, was dressed in black silk, trimmed with heavy thread lace, and that her hair was arranged *a la pompadour*. The sorrow of the Hon. Mr. Pecksniff and his lady would have been spoken of in the most feeling terms, and Justice herself, from her elevated pedestal over the jury-box, as she squinted down along her nose from under the bandage over her eyes, would in haste have concealed her naked sword beneath the folds of her ample robe. The jury would have said it can not be; a young lady so respectably connected and so well dressed would not steal—forgetting the principal reason, that she had never been tempted; and a verdict of "not guilty," without leaving the box, would have been received by the Court and the public with general approbation.

But the defendant in this case was a beggar, the child of a drunken father and mother, a victim of the intemperance of those she could not control. She was one of that great class of offenders manufac-

tured out of the children of the poor every year, by the license laws of a Christian country. True, she was prompted to commit the crime by the purest and holiest feeling that animates the human breast—a mother's love. She took a few shillings from the man who had, through the agency of whiskey and license, robbed her father of all his property. She believed it was her just due for the labor her little hands had done for him in his field of corn. Her little child was suffering with cold. She did not steal—she did not take the money "*animo furandi*," it was not done with "evil mind or with the mind of a thief," but it was done in answer to the plaintive appeal of her little child; and before the throne of God's justice she was no thief, though human tribunals might condemn her. And stained though her young life might have been by unconscious sin, a vagrant, a drunkard's child, and an unmarried mother, yet was she as pure as the unsoiled snow when compared with "the man of good moral character," who prosecuted her from a sense of "Christian duty, because she was wicked," and who, in the exercise of the privilege the law gave him, had beggared her father, and thrown around her young life the net of circumstances that made her what she was.

I said all this to the jury, and much more, yet, under the charge of the Court, they returned with a verdict of guilty, with strong recommendations of mercy.

When I was talking to the jury I thought the Judge was somewhat affected by the friendless condi-

tion of the poor little waif in the prisoner's box, and as soon as the verdict was rendered, he spoke kindly to her, told her to stand up, and said:

"Mary, the jury have found you guilty, and recommend you to our mercy. We are very glad they have done so. We will suspend the sentence until some future term of court. We do not believe that you are a thief, but, poor child, we believe that you are more sinned against than sinning; that others will have hereafter to answer for your acts and your transgressions, before a higher Court than ours. You may go, Mary. Be a good girl in the future. You did very wrong in taking the money of Mr. S. Never do a like act again; and when the Court wants you for sentence we will send for you. You may go now."

The little girl looked at the kind-hearted old Judge, and said: "Oh, please, sir, may I have my little baby?"

"Yes," said the Judge, with a moistened eye—"yes, Mary, take your little baby, and be good to it, and no one shall take it from you."

The little girl stepped out of the prisoner's box, and started to go out with the Sheriff, when she suddenly stopped, turned toward the Court, and said: "Please, sir, won't you tell Mr. S. not to sell any more whiskey to my father and mother?"

"Yes, I will!" said the Judge sternly. "Clerk, enter a rule on Mr. S. to show cause why the license granted to him should not be revoked, and make the rule returnable forthwith. The evidence in this

case has shown him to be unworthy, and not a proper man to be trusted with a privilege so dangerous to the welfare of the public as a license to sell liquor."

The rule was, on hearing, made absolute, and thereby a nuisance was abated that had ruined a number of men, and cost the county a large amount of money to punish the crimes and misdemeanors begotten by its influence.

SEQUEL.

A number of years after the incident above related a friend of mine was a candidate for a prominent office in our judicial district. He requested me to go through the county for him and represent to the voters his virtues and pre-eminent qualifications for the office which he sought to attain by the votes of the people. I set out on my pilgrimage, and in my wanderings one summer morning I found myself in a little village in a very rural district some twenty miles from the county seat. Having met most of the intelligent voters of the place at the blacksmith-shop, and corner of the street near the "tavern," and having in most glowing terms set forth the claims and qualifications of my friend for the office he sought, leaving the voters astonished at the fact that a man so well qualified, so able and worthy, had lived among them so long and they not know it—I sought other fields of conquest. I was advised to see Mr. W., of —— township, and was informed that he was a most excellent and influential man. About 11 o'clock A. M. I drove up to his house, hitched my horse to the

"bar-post," and went to the door of a neat, cosey little farm-house, where I was met by a smiling, good-looking matron, who, as she held out her hand, greeted me with, "Good morning, Mr. R. I am very glad to see you. Walk in." I wondered at this cordial and familiar greeting, and asked for Mr. W. She said he was in the field at work, and, calling a little boy some ten years of age, told him to run and tell "*daddy*" a gentleman wanted to see him. In a few moments he came; and with a cordial grasp of the hand, said he too was glad to see me. I commenced to tell him my business, and was about to give him an inventory of my friend's qualifications for the office, when he interrupted me with the remark that he never talked politics when he was hungry; that he would "put out" my horse; and then, while the "old woman" was getting dinner, we would talk. I thanked him, and tried to excuse myself from giving him the trouble, &c., &c., when he said, "No, you don't go away from my house without dinner."

While he was "putting up" my horse, I had time to look around me and to notice the air of thrift and comfort in the house and its surroundings. It was a pleasant, comfortable "farmer's home," showing very plainly that while the farm was managed with intelligence and industry, the house also owned the sovereignty of a good mother and housekeeper.

Dinner was soon ready—a plain, substantial, savory meal; and I could not help wondering why I was treated so kindly—for during a political campaign

voters in the country are so unmercifully bored by candidates and their friends that the annoyance of the "lightning-rod men" and "book agents" dwindles into comparative insignificance.

During the dinner I had tried in vain to convince my host that the safety and welfare of the country depended on the election of my friend. He listened patiently, but somehow did not seem to be convinced, although I found an unexpected supporter in his comely wife, who confirmed in the most positive manner all I said—and I am afraid I said some things that sorely needed confirmation. But I was not experienced then, and had not learned the fact now so apparent to me, that in electioneering, the old politician, in representing the claims of those he advocates for office, is always governed by an unswerving regard for truth.

The dinner over, my horse was brought out; and I was about leaving, when I sadly and pathetically remarked: "I am very sorry, Mr. W., that you will not promise me to give my friend your valuable support."

He seemed to hesitate, when his amiable wife said with a smile, "Don't be uneasy, Mr. R.; for he shall support your man. I won't give him a minute's peace unless he does. I know how to convert *him* better than you do."

I thanked the good and evidently very intelligent woman, and told her that I was under great obligations to her for her timely and unexpected support, when she replied, with evidently suppressed emo—

tions: "Mr. R., it is I that am under obligations to you that can never be paid. But I don't believe you recognize me. I am the little girl that you defended in court for taking old S.'s money—the one you saved from prison. I have a good home, a kind and good husband. I am a member of a church, and try to be a Christian woman; and a thousand times I have prayed God to bless you for your kindness to a poor little homeless, friendless girl, who was made a criminal and nearly ruined for life by the influence of whiskey."

The husband, who had gone for a pail of water for my horse while his wife was thus talking to me, came up and said: "Mr. R., if my wife wishes me to support your man, I suppose I *shall have* to do so. She is a good, faithful wife to me, and I will do as she wishes, as there is no principle involved in this contest, and it is only a choice between two good men—although I like the other candidate the best; but you can rely on my support."

I drove off full of material for reflection; and I thought it is true indeed that kind acts are many times "bread cast upon the waters"; and I also thought of the stain that a Christian world thinks indelible, that a wicked influence had cast upon the youth of that good woman, who now seemed to take pride in the remark, "I am a member of a church, and try to be a Christian"; and I thought how unforgiving was the world toward those who had committed some sins; while by law it permits the influences that beget those sins to flourish on every hand.

CHAPTER XXIII.

THE GROG-SELLER'S DREAM.

"O I have passed a miserable night;
So full of ugly sights, of ghastly dreams,
So full of dismal terror was the time."

—*Shakespeare.*

"Woe unto him that giveth his neighbor drink, that puttest thy bottle to him and makest him drunken also, that thou mayest look on their naked ness.

"Thou art filled with shame for glory: drink thou also, and let thy foreskin be uncovered; the cup of the Lord's right hand shall be turned unto thee, and shameful spewing shall be on thy glory."

—*Habakkuk*, 2; 15, 16.

TWENTY-FIVE years ago a gentleman delivered a temperance lecture in our town. At the close of his lecture he recited a poem called "The Grog-seller's Dream." It made such an impression on my mind that I was able to repeat the greater part of it. I don't know who was the author, have never seen it in print, and can only give it from memory. Where my memory has failed me I have endeavored to supply the parts not remembered by giving the ideas in my own words. The poem ought to be published by its author and circulated as a temperance tract. It

is needless to say that the original is much better than the version I am able to give.

"The grog-seller sat by his bar-room fire,
His feet were high as his head, and hgher,
And he watched the smoke as he puffed it out,
That in spiral columns curled about,
Veiling his face in its fleecy fold
As lazily up from his lips it rolled,
While a doubtful scent and a twilight gloom
Were slowly gathering to fill the room.
To their drunken slumbers one by one,
Foolish and fuddled, his guests were gone;
To awake in the morn, with a drunkard's pain,
With a trembling hand and a reeling brain.
Drowsily on the air broke the watchman's cry,
'Past twelve o'clock, and a cloudy sky!'
But our host sat silent yet, and shook
His head, and winked with a knowing look.
'Ho! ho!' said he, in a chuckling tone,
'I know the way the thing is done!
Twice five are ten, and another V
Two ones, two twos, and a ragged three
Make twenty-four, for my well-filled fob.
On the whole it's a good night's job.
The fools have drunk my brandy and wine—
Much good may it do them—their cash is mine.
There is Brown, what a jolly dog is he!
And he sprees it the way I like to see:
Let him go awhile at this reckless rate,
And his farm is mine as sure as fate;
Dropped in my pocket from time to time,
Dollar by dollar, and dime by dime.
I've a mortgage now on Tompkin's lot,
What a fool he was to become a sot,
But it's luck to me—and in a month or so
I shall foreclose—and the scamp must go.
Zounds! won't his wife have a 'taking on'
When she finds their house and lot are gone,
How she will blubber and sob and sigh,
But business is business, and what care I?
And Tom Bain murdered his wife, they say.
Why, he was drunk as a fool here yesterday,

And I warned the brute—as I went to fill
His jug—but the fool would have his will,
And folks blame me—why, curse their eyes,
If I had not sold him, he'd got it at Bly's.
I've a right to engage in a lawful trade,
And take my chance where cash is to be made,
And if men get drunk, and go home to turn
Their wives out doors, it's their own concern.
But I hate to have the women coming here
With their silly complaints and maudlin tears,
With their swollen eyes and haggard looks,
And their speeches learned from temperance books;
With their lean, pale children—whimpering fools,
Why don't they send them to the public schools.
I have a license to sell brandy and wine;
Let people look to their interest—I will to mine,
If 'tis wrong to sell whiskey, brandy, and gin,
Why don't our law makers declare it a sin?
If I pay for a license I have a right to sell,
Though it depopulates earth and peoples Hell.
If rum-selling is lawful, and fools will drink,
The joke is on them—not on me, I think;
And I will turn no customer away,
Who is willing to buy and able to pay.'
And he softly chuckled 'Ho! ho!! he! he!!'
And he rubbed his hands in quiet glee.
Ho! ho!! he! he!! it was an echo sound;
Amazed, the rum-seller looked around,
This side, and that, through the smoke peered he,
But nought but the chairs could the grog-seller see.
Ho! ho! he! he!! it was a guttural note,
And seemed as if it came from an iron throat;
And his knees 'gan to quake and his hair to rise,
And he opened his mouth, and strained his eyes,
And lo! there, in a corner dark and dim,
Stood an uncouth form, with a visage grim;
From the tangled curls of his shaggy hair
There sprouted hard, of rough horns—a pair,
While redly his scowling brows below,
Like sulphurous flames, did his small eyes glow,
Dark was his forehead, and rugged and scarred,
As if by a stroke of lightning marred,
And his lips were curled in a sinister smile,
And smoke belched forth from his mouth the while;

His feet were shaped like bullocks' hoofs,
And the boots he wore were caloric proof,
Small clothes he wore, of an amber hue,
From the rear of which a tail peeped through;
In his hand he held—if hand it was,
Whose fingers resembled a vulture's claws—
A three-tined fork, and its prongs so dull
Were thrust through the sockets of a grinning skull
Slowly, like a sceptre, he waved it to and fro,
While he softly chuckled, 'He! he!! ho! ho!!'
And all the while were his eyes, that burned
Like sulphurous flames, on the grog-seller turned;
Whose eyes, on the monster grim were glued,
But whose tongue was stiff as a billet of wood.
Despair and horror were in his look,
And his shuddering bones in their marrow shook.
But the fiend laughed on, 'He! he!! ho! ho!!'
And ever the skull waved to and fro;
Then nodding the horns of his grizzly head,
'Why! what is the matter, my friend?' he said;
'You surely have nothing from me to dread;
We have known each other so long and well,
And I love you more than I can tell;
Yet it seems to me but a welcome cold
You give to a friend so true and old,
Who has been for years in your employ,
Running about like an errand boy.
Perhaps you don't know me, or you'd be more civil;
In the place where I live I'm called the D—l.'
Like a galvanized corpse, pale and wan,
Up started instanter the thunder-struck man.
'The D—l! you don't—' 'Yes, I do,' said old Nick,
'And if you wish for the proof,
Just twig my horns, my tail, and my hoof.
And having come from a warmer clime below
To chat with a friend for an hour or so,
And the night being somewhat cold, I think
You might ask an old fellow to take a drink.
Come now, let it be of the clear, pure stuff,
Sweetened with brimstone—a quart is enough;
And put the mess in an iron cup,
And heat by the fire, until it bubbles up.'
As the Devil bade, the grog-seller did,
Filling a flagon of gin to the lid,

And when it boiled and bubbled o'er,
The fiery draught to his guest he bore.
Old Nick at a swallow the liquor did quaff,
And thanked his host with a guttural laugh.
But faint and few were the smiles, I ween,
That on the rum-seller's face were seen,
For a mortal fear was on him then,
And he thought the ways of other men
He should tread no more—that his hour had come,
And his master, too, to take him home;
And thought went back to the darkened past,
And shrieks were heard on the wintry blast,
And gliding before him, pale and dim,
Were uncouth forms and spectres grim;
And there, amid that ghastly train,
He saw the murdered wife of Thomas Bain,
And he shivered and shook in every limb,
As if an ague fit had hold of him.
But the fiend laughed on, 'Ho! ho!! he! he!!'
And he switched his tail in quiet glee.
'Do you think I have come for you? Never fear;
You can't be spared for a long while here.
There are hearts to break, and souls to win
From the ways of peace to the paths of sin;
There are homes to be rendered desolate,
There is trusting love to be turned to hate,
There are hands that murder must crimson red,
There are hopes to be crushed—blights to be shed
O'er the young, and the pure, and the fair,
'Til their hearts are broken by the fiend despair,
And the hand that should shield the wife from ill,
In its drunken wrath, must be raised to kill.
Oh, this is the work you have done so well,
Cursing the earth and peopling Hell;
Quenching the light on the inner shrine
Of the heart, until you make it mine.
Want and sorrow, disease and shame,
And crimes that even I shudder to name,
Dance and howl in their hellish glee,
Around the spirits you have marked for me.
Oh, the selling of rum is a good device
To make a Hell of a Paradise.
Wher'er shall roll that fiery flood,
It is swollen with tears, 'tis stained with blood,

And the lips that erewhile were heard in prayer
With muttered curses stir the air
Hold on your course, you are filling up
With the wine of the wrath of God your cup:
And the fiends exult in their homes below,
As you deepen the pangs of human woe.
Long shall it be—if I have my way—
Ere the night of death shall dark your day;
For to pamper your lust for the glittering pelf,
You rival in mischief the devil himself;
And in the courts I hold in my place below,
Your plea—that you are licensed—will be "no go."
No more said the fiend, but clear and high
Rang on the air the watchman's cry,
'Past two o'clock—and a cloudy sky.'
The grog-seller awoke with a half-formed scream—
He awoke, and behold, it was all a dream.
His grizzly guest with his horns had flown;
His lamp was out, his fire was gone;
And sad and silent his bed he sought,
And long of that wondrous vision thought."

CHAPTER XXIV.

THE TEMPERATE DRINKER—THE BEGINNING AND THE END.

> "Beware the bowl! Though rich and bright
> Its rubies flash upon the sight,
> An adder coils its depths beneath,
> Whose lure is woe, whose sting is death."
>
> —*Street's Poems.*

> "Be temperate in every place—abroad, at home—
> Thence will applause, and hence will profit come:
> And health from either, he in time prepares
> For sickness, age, and their attendant cares."
>
> —*Crabbe.*

I TOOK up a newspaper this morning, while waiting for my coffee, and my attention was attracted by the following article. No author is given. It is one of those floating waifs on the sea of literature that deserve to be "picked up" and preserved. It is truth somewhat trite, told in an epigrammatic style. It ought to set every temperate drinker to thinking, and for their especial benefit I quote it entire:

"BOTH ON THE SAME ROAD.—A drunkard is called 'a bloat,' 'a sot,' 'a wretch,' 'a runaway,' 'a wreck.' A moderate drinker is called 'a social, genial gentle-

man—a man who will not let his appetite get the better of his manhood.' The moderate drinker himself heaps anathemas upon the drunkard, and even takes a complacent pride in telling him how he abhors a 'sot.' What right has an apprentice to make fun of or despise a journeyman? What right has the hindmost of two men traveling the same road to make light of or abhor the man ahead? The moderate drinker says he takes but a glass to arouse a happy feeling; the drunkard says he takes but two to do the same thing, having passed the point where one would do. How long will it take to learn that there is but one law controlling the use of ardent spirits, and that the law of increase?"

There never was a drunkard but that once was only a moderate drinker, and who firmly believed that he was fully able to control his appetite, and always would be. As the appetite increased he believed that it was in his power at any time to resist its demands. No temperate drinkers expect to become drunkards, or they would shun strong drink as they would any other threatened danger. The descent from temperate habits to a drunkard's life is sometimes almost imperceptible, yet it is sure, and leads as certainly to the inevitable end as the flow of the river's waters at last reaches the sea. The poor victim of the increasing appetite is all unconscious of impending ruin—he sees not the yawning gulf before him until he stands on its very brink, when it is too late to recede. This truth has been so often told that it has become so trite as to be unheeded,

yet all know it. Every one is fully conscious that temperate drinking is the commencement of that path that ends in a drunkard's grave. The law of gravity is not more certain in its effects than is the law that ruin follows temperate drinking. This effect is as familiar as the funeral cortege, and as certain as death ; and yet men will drink, and boast that the inevitable is not for them ; that they alone can bid defiance to that which has ruined so many in their sight. Oh, strange infatuation, doubly strange, that self-reliance whose broken staff has pierced so many hands, and whose frail and feeble armor has so often failed to protect men of the strongest will and most brilliant intellect!

The example of the temperate drinker is more pernicious in society than that of the drunkard who reels along the public streets—an object of loathing and disgust to all who behold him.

The Spartans, under the rule of Lycurgus, compelled their slaves to become drunk, and then exhibited them to their youths as an example and a warning against the vice of intemperance and sin of drunkenness.

My reader, you may be a temperate drinker ; if so, you do not expect to be a drunkard, and perhaps you may never become one. You may be able to control your appetite, but how is it with your thoughtless boy? He sees his father drink, and your example may give him confidence in his own strength that his temperament, so different from yours, will not justify. He sees you drink with impunity, and be-

lieves that he may, until too late, when, standing on the verge of the precipice of drunkenness and death, with agonizing voice he cries to you, "Father, your example has led me thus far. Oh, save me from the consequences of your teaching and the ruin that threatens me! Where you have stood I thought I might stand with safety. You did not warn me of the danger, but you encouraged me to follow in a father's steps—the ambition of many a son who loves his father and looks to him for guidance in the pathway of life." To an appeal thus made to you, how vain would be your efforts to save! How many fathers have wept over the fall of a misguided son, whose ruin could be traced to their example! How many have mourned like David over Absalom, "Would that I had died for thee, oh, my son!" How vain the lamentation! Had they but lived more for their sons, and by example as well as precept taught them how to live, and how to shun the rock on which their frail barks had been wrecked; had they warned them of the dangers and temptations that slumber in the wine and lurk in strong drink, this cup of sorrow would never have touched their lips.

It would have been better for your son had you been a drunkard; much better had he felt the shame of being a drunkard's child. Then your example would have been a terror and a warning. Your shame would have been to him like the waves that dash over the sea-hidden rock and point to the mariners the danger that threatens them and the death that lies in their pathway.

Men are so differently organized that one may do with impunity what another cannot do with safety. The bridge that will sustain one man's weight may break beneath the tread of another. The poison that arises from the stagnant pool is breathed by one without danger, while it is laden with death to another. The control which men exercise over their passions and appetites is as varied as is the human form or color, and he who believes that he can govern and keep in subjection the appetite for strong drink, because he sees his fellow govern it, may find too late that, like the servant of the magician, he has invoked the demon, but that it will not depart at his bidding. For this reason the temperate drinker exerts a more pernicious influence in society than the confirmed drunkard. No one who sees the inebriate reeling and staggering through the streets, with his fetid breath and bloated form, would ever drink of the Circean cup if he believed that it would thus degrade and debauch him. But he has seen the respectable man, who "despises a sot" and loathes a drunkard, drink with apparent impunity, and, forgetting the fact that he has not yet even seen the end of him who boasts of his strength and power to resist temptation, he follows the example before him, and, too late, finds that he has overrated his own power, and that instead of being the master of his own appetite, he is its slave, and must do its bidding, although it leads him to the very gates of hell.

The only safety is in total abstinence. Our future in relation to temperance is in our own hands, and

if we refuse the first cup, we will never feel the maddening influence of the second. The approach of the tempter is slow, but at every step his power increases, until at last resistance is unavailing, and, too late, we mourn over what we might have done, but did not—what we might have been, but are not.

"Little by little," sure and slow,
We fashion our future bliss or woe,
As the present passes away.
Our feet are climbing the stairway bright,
Up to the regions of endless light,
Or gliding downward into the night,
"Little by little, day by day."

CHAPTER XXV.

EFFECTS OF ALCOHOL ON THE BRAIN.

"Ha!—dash to earth the poison bowl,
And seek it not again—
It hath a madness for the soul—
A scorching for the brain.
The curses and the plagues of Hell
Are flashing on its brim—
Woe to the victim of its spell:
There is no hope for him."

—*John G. Whittier.*

"*Every one is as God has made him, and oftentimes a great deal worse.*"
—*Cervantes.*

JOHN B. GOUGH, in a lecture in England, referring to the question whether alcohol was a food or a medicine, remarked that in his opinion it was "very much like sitting down on a hornet's nest—stimulating, but not nourishing."

Whenever an artificial appetite is formed, it seems to be a physical law that just in proportion to the injury caused to the system by the gratification of that appetite, it increases its demand. Not so with the natural appetite. To-day we hunger for food. We *eat,* and that hunger is appeased. To-morrow we

hunger again; but the feeling is not increased by yesterday's indulgence. We thirst to-day, and drink freely of the heaven-distilled beverage God has given us, and to-morrow we thirst again; but not because of yesterday's gratification. All of the natural laws of our system man must obey or die. Their demands are imperative. On the other hand, if we obey all the demands of our artificial appetites, death is equally certain. God never said to man, "*You must eat and die*"; but as a warning he declared, "The day thou eatest thereof thou shalt surely die." This is the penalty for disobedience, and is equally true in the moral or physical world.

But few of my readers are aware of the fearful ordeal through which the reformed inebriate has to pass to restore himself to his family and friends. Few fully appreciate the terrible demands of this fearful appetite. The statue of the Trojan priest Laocoon struggling in the folds of the monstrous serpent sent by the goddess Minerva to destroy him and his two sons is its most truthful and fitting emblem.

A friend of mine with whom I had remonstrated once said to me, "You are surprised that I have sacrificed all that is dear to me to this fatal appetite; but," said he, "when that terrible craving comes upon me, if you were to offer me with one hand heaven with a cup of water and with the other hell with a glass of brandy, I would be impelled by that appetite, without a moment's hesitation, to take hell and the brandy."

Scientists tell us that the excessive use of intoxicating liquor enlarges the cells of the tissues of the brain; that when so enlarged by alcoholic stimulants they are never again restored to their normal size and condition, and that for this reason, after long years have elapsed, and the reformed inebriate believes he has conquered his enemy, a single drink will revive the craving in all its former fury.

If any one shall read these pages who has once had but has now conquered this fatal appetite, to him I have a friendly warning. By the love you have for your wife and children, for home and its endearments, by all your future hopes in this world and the world to come, I warn you not to take the first drink. If you do, remember that for it you will sacrifice all that is dear in life, home, honor, friends, wife and children. Oh, what a price to pay for a drunkard's life and a pauper's grave!

The effects of alcohol on the human system are now well understood. It is but a few years since eminent physicians believed that it aided the digestion of the food; but it is now most positively known that it neither digests nor assists the process. It goes into the stomach as alcohol, is taken up by the secretory organs as alcohol, passes into the blood as alcohol, and, preserving its identity, careers through the veins and arteries, inflaming them by its poisonous presence, exciting and irritating the nervous organism, until it is deposited in a nearly pure state in the ventricles of the brain. Portions of it all along its passage from the stomach are eliminated through

the lymphatic glands, but it is discharged as it was received—as alcohol. The portion that reaches the brain remains there until its mission of sin is completed, when it is reabsorbed as alcohol, and so remains until it is expelled by an indignant and insulted organization in some of the many openings through which the filth and waste of the system are carried off. All through its inglorious career it remains alcohol, first and last, until it is cast out as an unwelcome guest, dangerous to the health of the body.

But when it reaches the brain its demoralizing effects are most keenly felt. There in the ventricles it holds high carnival among the nerves and tissues of the cerebral structure. There, in that "Dome of thought, and palace of the soul," it still preserves its identity, and is yet alcohol, almost as pure as when it started on its "law-licensed pathway"—a little more bloody, it is true, like the hand of any other murderer, but alcohol still; and after it has been accessory to all the crimes in the calendar of human iniquity—after it has caused dyspepsia, rheumatism, epilepsy, palsy, madness, apoplexy, *delirium tremens*, and a legion of kindred diseases, it is still so unchanged in its personal identity that in a post-mortem examination I once conducted I almost imagined I could see on the drops I collected from the brain the very label on the original bottle, "Pure Rye Whiskey." It had killed one man, and yet, after all its vagrant wanderings through the digestive, secretive, and circulatory organs of its victim, there it

was *in propria persona*, just as active to do evil, just as poisonous, and only a little nastier than when it started from the legalized cup, in the bar-room, down the throat of the man it had killed, to appear again, sparkling and wicked, in a glass on the dissecting table. And as I looked at the liquor in the vessel that contained it, with the whisper of a fiend and a drunken leer, it seemed to say to me, "Well, sir, your saw and scalpel have found me at last, but know, sir, that I am here by right of legal enactment and by permission of license. Now, what are you going to do about it?"

And that is just the question: What are we going to do about it? Shall we overlook its vicious propensities? Shall we sustain it by law and protect it by decrees of court, or shall we treat it as we would any other assassin?

As a law-abiding people we punish both the accessory and the principal in crime. An accessory is defined in law to be "one who is not the chief actor in the offense, nor yet present at the time of its commission, but who procures, counsels, or assists another to commit a crime."

Is not alcohol either an accessory or a principal in nearly all the crimes committed in our country? If so, "what *are* we going to do about it?" This is the question that the Temperance Unions are asking a Christian people to-day.

In China the use of opium has become an evil of great magnitude. It is annually destroying many lives, yet it does not to a great extent promote

crime. The victim of this appetite is lulled into sleep, and is in no condition to cut his wife's throat, or dash out the brains of his children. In this respect opium does not possess the peculiar virtues (?) of our own beverage beloved of law and politicians. There may be stupor in the bowl of the pipe, but there is murder in the bowl of gin. There is disease and death in the stupor of opium, but there is disease, death, and crime in the maddening effects of alcohol. And while we are enacting laws to protect the liquor traffic, the "heathen Chinee," by edicts, are trying to prevent the use of opium, and are even seeking, by severe penalties, to prevent the culture of the poppy.

I believe that, as a Christian people, we are sending missionaries to China, to convert and enlighten the heathen of the "flowery kingdom." Now, would it not be well for us to ask for an exchange of courtesy, and invite them to send a few hundred missionaries here, to convert the heathen in America? Let missions be established in our State capitols, and make the members of the State legislatures the first experimental subjects.

When I began this chapter, I intended to confine myself to a consideration of the effects of alcohol on the human system, but, as usual, I find I am wandering off on the moral effects of the license law. This I suppose is for two reasons: first, that there must be an undercurrent of morality in my composition that has entirely escaped the observation of my most intimate friends; secondly, that whenever I under-

e to write or speak on the subject of temperance
license law, with its enormities and sins, rises
before me like the ghost of Banquo, and will not
own at my bidding.

Thirty-five years ago, when I was practicing medi-
cine and surgery, it was a common belief that alco-
hol was a preventive of contagion. My old precep-
tor so regarded it, and always before entering the
room of a patient sick with any contagious disease,
would fortify himself with a drink of liquor. He
was an educated man and a well-read physician, and
yet he firmly believed that liquor taken into his
stomach prevented the germs of contagion from tak-
ing hold of his system. Modern science has demon-
strated this to be an error.

The nutritious materials of the food are removed
from the alimentary canal, and conveyed into the
circulation, by a set of vessels called *lacteals*. There
is another set of vessels somewhat similar to these,
called *lymphatics*. Their function is to carry off the
particles of matter already deposited. These vessels
exist in great numbers, in the skin and mucous mem-
branes, particularly those of the lungs. The *lacteals*
reject all substances but the *chyle*, or nutritious ele-
ment of the food. The *lymphatics*, on the contrary,
not only imbibe all the constituents of the body,
both fluid and solid, when their vitality has ceased,
but they absorb foreign and extraneous substances
when presented to their mouths. One class of these
organs extends to the cuticle, and by their agency
the skin may absorb sufficient nutriment to support

life for a number of days. Patients have been kept alive for a length of time by immersing them in a bath of warm milk or broth. The hand immersed in warm water will absorb from one to one hundred grains of fluid in one hour. Thirst may be quenched by bathing or even by wet cloths applied to the skin. It will be seen by this that the skin is possessed of millions of vessels with open mouths, ready to absorb poisonous particles brought into contact with them. It must be evident then, even to the unlearned, that anything that stimulates the *lymphatics* to increased action only makes them more capable of absorbing the poisonous particles of the sick-room. This is exactly the effect produced by alcoholic stimulants. Of this fact there is no doubt; it is as well established as any other physical fact in nature.

When the *lacteals* are active, as they are immediately after taking food into the stomach, the *lymphatics* are comparatively inactive. For this reason a hearty meal of nutritious food is a good preventive of contagion.

It is also asserted by those who are anxious to find some rational excuse for the use of alcohol, that it enables persons to better withstand cold and exposure. This is untrue, for the reasons above given; *i. e.*, the effect of alcohol is to open the mouths of the *lymphatics*, and as they eliminate from the system substances taken in as food, there is here a waste of fuel, and a consequent reduction of the temperature of the body.

Dr. Kane, in his Arctic expedition, found that t sailors who could best withstand the terrible cold that region were those who did not drink spiritu liquor. And he found the effect on his own syst to be a loss of power to resist cold.

To sum up the matter in a few words, there is excuse for the use of alcohol as a beverage. Its fects are always pernicious—it poisons the body, bases the morals, and is only useful to political den gogues, whose qualifications for office can be bet seen and appreciated by the voter when he is dru than when he is sober.

CHAPTER XXVI.

MURDERED BY A BROTHER-IN-LAW.—A SCENE IN COURT.

"Ere the bat hath flown
His cloister'd flight; ere to black Hecate's summons,
The shard-borne beetle, with his drowsy hum,
Hath rung night's yawning peal, there shall be done
A deed of dreadful note."

—*Shakespeare's Macbeth.*

"The taunt of rage, the groan, the strife,
The blow, the gasp, the horrid cry,
The painting, throttled prayer for life,
The dying's heaving sigh,
The murderer's curse, the dead man's fixed. still glare,
And fear, and death's cold sweat—they all are there!"

—*Dana's Buccaneer.*

"And the Lord said: What hast thou done? The voice of thy brother's blood crieth unto me from the ground."

—*Genesis iv.* 10.

A FEW months ago I was employed to prosecute in a case of murder in an adjoining county. One brother-in-law had killed another. They had previously been engaged in business as partners. Both of them became somewhat addicted to drink—were temperate drinkers, not yet drunkards. While attempting to

settle some business affairs, in a sudden fit of anger, and being under the influence of liquor, one of them drew a revolver and shot the brother of his wife through the heart. They were brothers-in-law in a double sense. Each had married a sister of the other. They lived near to each other in the little village of N——, where they had a country store. When they commenced business a few years before, they were sober, energetic, and careful men, esteemed by their neighbors and honest in their dealings. They had "built up a fine trade," were happy in their homes and surroundings, and enjoyed the respect and confidence of all who knew them.

Across the street from their store stood one of those licensed curses of the country, a hotel. The proprietor was a genial, pleasant man, who loved his own liquor, was generous, and fond of treating his friends. He was quite intimate with the brothers-in-law, and very frequently invited them to take with him a social glass. The courtesy was of course returned by them, and imperceptibly the taste was formed, the seeds of ruin scattered, and now the harvest had come, and was being gathered—a harvest of sorrow and crime.

I shall never forget the scene in the court-room. In the prisoner's box sat the defendant, by his side his young wife and little child, by the counsel table his sister, widowed by his hand, and her child, made an orphan by his crime. The infernal curse of alcohol had cast its blight over two families—brought bereavement and death to one, sorrow and shame to *the other.*

I always dislike to prosecute in a capital case, and in fact in any case where the crime has been caused by the influence of strong drink; and when I took my seat by the counsel table and saw the prisoner and his young wife and child, I very much regretted that I had engaged in the cause. We had to call the wife of the deceased—a sister of the prisoner—as a witness. What a terrible position for her, the wife of the murdered man, called to prove that her brother was the murderer! Amid sobs of anguish she told her painful story: how her husband and brother were settling some complicated business transaction; that during the settlement her husband asked her brother to go over to the hotel and get a drink. They returned and continued the investigation of their accounts. The utmost good feeling seemed to prevail. After a short time had elapsed the defendant asked her husband to go with him and get another drink. She remonstrated with them, but in vain, and when they returned both were visibly under the influence of liquor. In a very short time they differed in some trifling matter; angry words ensued; her husband accused his brother-in-law of fraud; then followed a curse, a blow, a shot from the defendant's revolver, and her husband lay dead at her feet. Her brother had killed him. There was no justification for the act, nothing to palliate the crime except that the law had placed within their easy reach the spirit that prompted the deed. When the testimony had all been heard and the argument for the defense concluded, I had to make the closing

argument for the Commonwealth, and I shall never forget the pleading, frightened look on the countenance of the poor heart-broken wife of the prisoner as I proceeded. Just before I finished my plea she fainted, and was carried from the court-room. I copy my concluding remarks from the stenographer's notes, to show how painful was the task I had to perform, and how stern and unpitying is the duty the law imposes on the counsel for the Commonwealth when asking a jury to convict a citizen of the commission of a great crime.

"And now, gentlemen of the jury, I am done. I leave the case of the prisoner in your hands, and once more and for the last time I ask you to do your duty to society and the laws that protect you. A brutal and cruel murder has been perpetrated in our midst, and it is but just that the murderer should be punished. It is not for him whose hands are red with his kindred's blood to complain of the severity of the punishment which the law prescribes. The sentence of the court that demands life for life is but the echo of that divine justice that more than three thousand years ago uttered the stern and inflexible decree, 'Whoso sheddeth man's blood, by man shall his blood be shed,' and that decree was afterward reiterated in the Mosaical law. 'He that smiteth a man will surely die,' saith that law, 'and he that comes upon his neighbor with guile to slay him shall be destroyed,' saith the Almighty. And when the eloquent defenders of the murderer at the bar denounced as barbarous the punishment that nearly

two thousand years of Christian enlightenment have approved, remember it is but the feeble whispers of man against the awful voice of the Deity.

"If the defendant is guilty, his hand is red with his brother's blood, and he deserves the punishment which the law prescribes, even though it erects for that purpose a gallows as high as that on which Haman suffered an ignominious death. Why should he who had no mercy for his brother expect it at the expense of justice at your hands? What right has he who has murdered a brother to ask you to violate your oaths as jurors, that he may escape the sentence decreed of God and approved by ages of Christian civilization?

"Are all the safe-guards which the law throws around human life to be destroyed, the mandates of the law to be violated, the obligations of your oaths to be disregarded, that this guilty murderer may go unpunished? Remember, gentlemen, that the safety which the law affords the citizens of this commonwealth depends upon the certainty with which the penalties for its violation are inflicted. And when you retire to your room to decide upon this case, should mercy in your hearts plead in behalf of the prisoner at the bar, remember that as he showed no mercy to the unoffending victim of his malice, so should he receive none at the expense of justice at your hands. Remember that justice is due to the dead as well as the living; due to him who now lies cold in death, and whose wrongs can only be vindicated by the living action of the law—and

that justice demands of you a verdict, uninfluenced by the consequences and unawed by the terrors of the sentence which the Court may pronounce.

"It may be that the sentence will be death; but if so it is because it is warranted by the crime, is in accordance with the law, and the time-honored religion of our fathers. And that sentence is only pronounced after a fair and impartial trial, while the prisoner himself sentenced an unoffending man to death without trial. With malice in his heart he executed that sentence, and without a moment's warning sent a human soul, unprepared, before that bar whose sentences involve the never-ending ages of eternity.

"Murder is a crime before whose horror and consequences we pause with bated breath. To send an immortal spirit before the bar of God, without a moment for prayer or preparation, is to do an act whose effects may reach through all the unnumbered years of the future, entailing everlasting woe upon its victim; and the man who commits this crime has no claims for mercy at the hands of a Christian jury. Shall you hesitate, then, in doing your duty, because of the severity of the punishment? Remember it is the terror of that punishment alone that paralyzes the arm of the murderer and stays the knife of the assassin. How vain would be the mandates of the law but for the fear of its penalties; and when juries shall hesitate to do their duty because of the punishment the law prescribes, then will the rights of good citizens be disregarded and men will hold their prop-

erty and their lives by a frail and feeble tenure indeed; then will the weak be at the mercy of the strong; then will the knife of the assassin seek its victim, fearless of the consequences, and murder, protected by the sympathy of the jury, bid defiance to the law and its mandates.

"For the last few years crime has held a high carnival in this country; jurors have failed to do their duty, and, as a consequence, thieves and murderers walk our streets in safety, and even hold high places in public trust and confidence, all because the maudlin sympathy of the public is invoked to shield those whom the law declares guilty, and the cowardice of the jury too often over-rides the obligations of their oaths and their duty as citizens.

"I appeal to you, then, as men and as jurors, to do what your duty to society and the laws that protect you demand. Could the grave give up its dead, could the lips of him who now lies cold in death tell you the story of his wrongs, the commonwealth would have nothing to fear from your sympathy. But no, the murderer alone is here to invoke your mercy, while his victim sleeps the sleep of death, and only through counsel can his inanimate clay demand justice at your hands against his murderer.

"Shall that demand pass unheeded, because the tomb cannot give up its dead to testify, because the murderous wound inflicted by this man and the lifeless corpse of his victim are hidden in the grave, and he, the murderer, alone is left to tell the story? You look on the prisoner at the bar, and see a living man,

in life's full vigor, and you hesitate to pronounce the verdict the law and evidence demand, because of the possible penalty; but go with me to yonder churchyard; let us open that new-made grave yet wet with the tears of the widow and children of the murdered dead; let us open the coffin and lay aside the bloody cerements of death that cover the remains of the victim of the murderer's malice. Then look upon the ghastly spectacle—behold the blood-stained body of him who a few short weeks ago was also a living man, full of life's hopes and projects, surrounded by all the ties of love and affection that surround the living. Let the prisoner at the bar stand with us on the brink of that opened grave. There let him say, 'This is my work; this ghastly spectacle is the result of my malice; this is the ruin I have wrought'—and then, if he dare, let him turn and ask mercy at your hands. And if he did, what would be your answer as you turned away from the sickening sight? Would not the innate sense of justice, implanted by God in every human breast, burst forth as spontaneously as are the throbbings of the human heart, and pronounce, not only your verdict, but if you could with it the sentence also, in the very language of the inspired decree, 'Whoso sheddeth man's blood, by man shall his blood be shed.' And would not that verdict meet with the approval of your conscience and the sanction of a just and Christian people?

"And now I leave the prisoner at the bar in your hands. Let your verdict be such as the law and the evidence demand, and in the future that verdict

will stay the knife of the assassin, arrest the arm of the murderer, and all over the broad extent of this commonwealth be an additional safe-guard to human life.

"Let no fancied doubt stand between you and the duty you owe to the commonwealth and her laws—with the penalties the law inflicts you have nothing to do. But you have a duty to do to yourselves, to society, and the law, and as you expect to be protected in the enjoyment of your property and life, extend the same protection to your fellow-men by rendering a verdict in accordance with the law and the evidence. Life to him that was murdered was as dear as your life is to you. That life has been taken in wicked malice by the prisoner at the bar, and God's eternal justice demands that he should receive the punishment the law prescribes.

"The soldier on the field of battle, who is fighting only for a principle, deliberately inflicts death upon his fellow-man, and the Christian world approves the deed. The conqueror who waves a blood-stained sword over a subjugated people is hailed as a hero, and because he shed human blood to sustain a right or a principle, is applauded by the nation. It has been held in all ages that a man may forfeit his right to live, by wickedness and crime. Why, then, should a jury hesitate to find a verdict against a miscreant and a murderer whom the laws of God and man condemn.

"I appeal to you then in behalf of the laws whose mandates you are sworn to execute; I appeal to you

in the name of the wrongs of the murdered dead; by the sorrow of the wife, made a widow by this man's crime; by the wrongs of the children this cruel murder has made orphans; I appeal to your sense of justice, and to your manhood, to do your duty fearlessly and faithfully. Let your verdict be such as your judgment shall dictate and your conscience approve, and pronounce that verdict regardless of the consequences, for here hath been a

> "'Murder most foul, as in the best it is;
> But this most foul, strange, and unnatural.'"

The jury after a few hours brought in a verdict of guilty of murder in the second degree, and the defendant was sentenced to imprisonment in the penitentiary for a period of eleven years and nine months.

And here again are crime and sorrow to be traced to the great cause, "licensed liquor-selling." Here a hotel, licensed ostensibly "for the benefit of the traveling public," becomes the center of a local traffic, debases the morals of those within the sphere of its influence, forms and nourishes the appetite for strong drink among those who visit its dangerous precincts, begets crime, ruins men, converts independent industry into abject pauperism, is a tax on the material wealth of a community, and a curse to the country.

CHAPTER XXVII.

THE TOAST.—DIVIDED WE STAND, UNITED WE FALL.—A PARODY WITH A MORAL.

"Nor go thou to the banquet hall—
  The festal light may shine,
And love and beauty gladden all
  In revelry and wine,
But go thou not—for death is there;
  He cometh not in vain;
His ghastly arm is raised and bare
  Above each reeling brain!

Away! in God's own name away;
  Cast off the evil thing—
Turn from the tempter's smile away
  For your delivering;
So shall a loftier strength be given
  Above the wine cup's spell:
And thou, that art an heir of Heaven,
  Escape the fear of Hell."

—*J. G. Whittier.*

NOT long since I attended a banquet given by the members of our bar in honor of the Hon. Judge D., a most excellent man, respected by all who know him, and who, by the vote of the people of our judicial district, had held the position of associate judge for a period of fifteen years. The banquet was given at a temperance hotel in our city, kept by a most es-

timable lady. After supper a number of toasts were given and responses made, yet there was not a drop of wine or liquor of any kind at the banquet. How different would it have been twenty years ago! A bar supper then would have been considered a very tame affair, if not a failure, without the exhilarating influence of liquor, and a banquet like the one referred to would have laid the foundation of a series of drunks (to speak in plain and concise English) that would have lasted for a number of days, and perhaps brought sorrow and shame to many firesides. Now how different! Not a man of the hundred who attended the meeting was intoxicated; not a member of the bar in the lock-up; but everything as orderly, as soberly and quietly conducted as if the attorneys had been by some magic spell transformed into ministers or advocates of temperance reform met in convention for the good of public morals and sobriety. Whence comes the change? Why is it that to-day respectable men can meet together to commemorate any event without the use of liquor, and thereby escape the disgraceful scenes that usually attended all public gatherings, where it was drunk freely, in ancient times? That a great change has come over the "spirit of the public dream" must be manifest to all, and that this change can only be attributed to the influence of public opinion formed by the "temperance reform movement" is equally apparent. The moral sense of the community has been aroused, and the time is not distant when the united voice of a regenerated people will demand that all holding of-

fices of public trust and confidence shall be temperate and sober men, men who are opposed to all traffic in temptations to sin and all license to provocatives to crime. The time is also fast approaching when those in high positions cannot escape the opprobrium attached to intemperate habits, or the justly deserved censure which every one should receive who sanctions and approves those laws and licenses that lead men to intemperance or tempt them to the vice of drunkenness.

A few weeks ago a very learned and able judge retired from the highest judicial position in our commonwealth. He is a man who has few peers and no superiors in all the qualifications necessary for a great jurist, is a man of great moral worth, temperance, and integrity of character; one whose name will be transmitted to posterity among those of the great law-givers whose reputations are the pride of our commonwealth.

In honor to him, the bar of Western Pennsylvania tendered him a banquet at a prominent hotel in a western city in this State. That banquet was attended by many, I may say hundreds, of the most prominent attorneys in the commonwealth, with the representatives of the press and many other prominent citizens. At this banquet, given in honor of the pure life and spotless character of a truly great man, wine and other liquors were freely provided, and as freely drank, and one of the toasts there given was as follows:

"The bar of Western Pennsylvania, and the bar

of the M. house. Divided we stand, united we fall."

And this sentiment, full of truth, as well as wit, was received with unbounded mirth and applause. It was true! The history not only of that city but of all others proves its truth. How many men of brilliant intellect, fine culture, and deeply versed in legal lore have fallen because they were united by the strong tie of a depraved appetite to the licensed hotel-bar. Yes, fallen from high social as well as legal position, to the lowest depth of poverty and degradation, carrying with them in their fall those they loved best on earth, bringing sorrow—heart-breaking sorrow—to the wife, want and shame to the little children who must suffer for a father's sins.

> "Yes, chained her there 'mid want and strife,
> That lowly thing—a drunkard's wife!
> And stamped on childhood's brow so mild,
> That withering blight—a drunkard's child!"

Friends have for years remonstrated in vain; love with tears more eloquent than words has vainly sought to sever the bonds that united the husband and father to the bar and its accursed influence. If they could only "be divided," then the man would be saved—saved to himself and his family—saved to society and the friends who loved him. But to that bar he is united by bonds stronger than though made of "brass or triple steel;" before the poor victim of that bar is a drunkard's life and a pauper's grave, and he knows it well, knows that if they continue united he cannot stay his downward course, that if they

can only "be divided," he can once more "stand." Yes, stand erect in his manhood and integrity; stand high in the respect of his fellow-men; stand from out the gutter and the pollution of a drunkard's life; stand free from the shackles of a depraved appetite; stand forth a man, in the image of the Creator, the noblest work of his creative power, *a sober, temperate, honest man.* It would be well if that toast could be written in letters of fire over the entrance of every licensed hotel in the country; if it could be engraved on the brim of every goblet in whose contents lurks the demon of strong drink; and when the poor trembling victim of the fatal appetite raises the deadly cup to his lips, if an embodiment of that sentiment could spring up from its liquid depths and utter in the ears of the enthralled inebriate the terrible warning, "united we fall," how many a fatal cup would be dashed to the earth, and the victim be able to reply, "Divided we stand, and by God's help the warning shall not go unheeded."

The author of that toast and parody deserves immortality, not alone for its genuine wit, but for the lesson therein taught, and for the warning to poor fallen man therein enunciated.

I happened to be in the city the night of the banquet, and on my return home a few days after, a friend met me and said: "Well, you were in the city of ——. Did you attend the great judicial *drunk* held in honor of ———?" I informed him that I did not attend the banquet, and that it was not a drunk, but a gathering of eminent attorneys and

prominent men in honor to a great and good man. "Did they not have champagne and other liquor at the banquet?" he inquired. I told him I did not know, but had heard so; that I looked in the police reports in the morning papers, and not seeing any of the attorneys' names, I had no doubt that the supper was a model of sober propriety. "Well," he remarked, "if it had been a gathering of railroad employees, and as much liquor had perished through their agency as was destroyed at that banquet, folks would not have called it by that name, unless banquet is spelled with a *d* and a *k*, and I do not think it is in the last edition of Webster."

It is most probable that there was no impropriety of conduct at the banquet; that all was sober and in character with the men who attended it, yet the example was bad in the community. Eminent men can be drunkards, even though dressed in broadcloth, as well as humble citizens clothed in rags. For in this world

> "The rank is but the guinea's stamp,
> The man's the gowd for a' that."

It is as much a sin and crime for a respectable man to get "*stimulated*" in the parlor or dining-room of a fashionable hotel as for a tramp to get drunk in a back alley—and in one sense more; for "where much is given much is required," and if it is wrong for vagabonds and loafers to get drunk at a horse race, it certainly is not an act of highest moral rectitude for gentlemen to become unduly "*exhilarated*" at a fash-

ionable party. A man is as much an object of loathing, contempt, or pity if he gets drunk on five-dollar champagne as on ten-cent whiskey. The drunken vagrant on the street injures no one by his example, while the undue *hilarity* of gentlemen at a banquet exercises a bad influence among the young and inexperienced.

It is certain that men in high social position are looked up to by the great majority of their fellow-men who have not attained eminence, as examples to be imitated, and it is also certain that men are more prone to excuse their own derelictions by comparing their acts and vices with like conduct on the part of the great, than they are to imitate the virtues of those high in public esteem and confidence. When eminent men meet together for a social purpose and indulge even in a moderate degree in the use of intoxicating liquor, their example is far more pernicious than a Bacchanalian revel among the regular habitues of the saloon or grog-shop. Charcoal makes no mark on a blackboard so perceptible as to attract the attention of the ordinary observer, but when drawn across the whitened wall by its side, none can pass by without observing it. So in life, the acts of the vile and vicious are comparatively unseen or unnoticed—except in the police reports—and they leave no blot on reputations already blackened by sin and crime, while a single immoral act may stain an unsoiled reputation forever, and that isolated stain is pointed to by many a veteran sinner as a justification for his conduct and an excuse for a life of wickedness and debauchery.

How careful, then, should those be to whom God has given great eminence among men, that they be not stumbling blocks in the pathway of their fellows; that while they teach temperance and morality with their lips, they do not, by example, encourage dissipation and vice.

CHAPTER XXVIII.

WHO OWNED THE THIMBLE?—A CASE OF CIRCUMSTANTIAL EVIDENCE.

"'Tis slander:
Whose edge is sharper than the sword; whose tongue
Out-venoms all the worms of Nile; whose breath
Rides on the posting winds, and doth belie
All corners of the world; kings, queens, and states,
Maids, matrons—nay, the secrets of the grave
This viperous slander enters."

—*Shakespeare's Cymbeline.*

"What have I done that thou dar'st wag thy tongue
In noise so rude against me!"

—*Shakespeare's Hamlet.*

THE incident I am about to relate has very little in it, either "to point a moral or adorn a tale," yet the "circumstantial evidence in the case" is so peculiar that it may well be ranked among the *causæ celebratæ* of the judicial investigations of the country.

In the little town of H——, where I spent a number of the years of my boyhood, lived two most excellent, amiable, and Christian women, Mrs. C. and Mrs. E. They were both exemplary members of the M. E. church, and were withal very intimate friends.

Had Mrs. C. any great domestic or culinary trouble, the history of her sorrows was poured into the willing ears of her sympathizing friend Mrs. E., who in turn made Mrs. C. the confidential recipient of the story of all the wrongs and woes that cast their shadows across her connubial pathway. For many years the two good ladies had thus lived in the most amicable and neighborly manner, when a cloud, at first no larger than a man's hand, suddenly appeared on the horizon of their intimacy and friendship, and soon loomed up in such dark and ominous proportions as to threaten a storm of no ordinary magnitude and violence.

One morning a little daughter of Mrs. C.'s came into the house of Mrs. E., having in her hand a common closed-top thimble, such as are sold for a few cents each at all the stores in the country. Around the base of the thimble was the motto "Forget me not" in raised letters, and through the top or closed end a small hole had been punched with some *square* instrument. A little daughter of Mrs. E.'s, seeing the thimble in the hand of her playmate, claimed it as her own. The two children were disputing about its ownership, when Mrs. E., hearing the controversy, and being appealed to by her child, proceeded to decide between the opposing claimants in a very summary manner. She took the thimble from Mrs. C.'s child and gave it to her own, stating at the same time that it was one she had bought for her girl at M. B. L.'s store in the village a few weeks before. Mrs. C.'s little girl entered a most indignant

protest to this disposition of the case, and claimed most vehemently that the thimble was hers; that her mother had bought it at a neighboring village and given it to her for a birthday present; and that she would appeal to her mother for redress if it were not given back to her. Her claim being ignored by Mrs. E., the child departed in tears, and in a very short space of time her mother entered an appearance for her, and demanded that the judgment in replevin entered against her by Mrs. E. so summarily and without a hearing should be opened and she let into a defense. She sustained the claim and statement of her child; said she had purchased the thimble, as her little girl had stated, at the store of Mr. P., in a neighboring village; that she knew it was her child's, knew how the square hole came to be made in the top, and she demanded immediate restitution of the property, with costs of suit in the shape of a most humble apology, which must be made immediately. Mrs. E., equally certain that it was her thimble, refused the motion to open the judgment she had entered against the neighbor; stated that she knew the thimble was hers; that she too knew how the square hole came to be made in the top; and in her anger she intimated that the little daughter of Mrs. C. was a thief, and that it looked to her as if her mother knew it, and sustained her child in the commission of a crime. This was too much for human (and particularly female) forbearance to endure; and after a few most cogent, emphatic, and positive remarks, Mrs. C. left, shaking the dust off

her feet at the threshold of the house of her friend, declaring she would never enter her door again.

For some time the matter stood thus, the two good ladies, each to her coterie of especial friends, relating the incident as she remembered it, yet colored by anger and self-interest. Accusations and grave charges were made by each against the other. Both were respectable, and had a large circle of friends and relatives who lent a too willing ear to the belligerent parties, until the breach thus made threatened so to widen as to dismember the church, or at least divide it into two factions, and to destroy the peace and harmony of the neighborhood. At last, under the laws of the "church discipline," a complaint was made before the church authorities by one of the good sisters against the other for "slanderous words spoken." For many days before the trial the case was the subject of general comment and conversation in the village. The question, "Whose thimble was it?" was frequently and most ably discussed.

At that time the State was building the P. & E. canal, reservoirs, and feeder. A number of engineers, contractors, and sporting men boarded in the village of H——, and among them many bets were offered and taken on the result of the coming trial. Like all great events, anxiously looked for, it came at last.

"The clans had gathered at the pibroch's sound."

The friends and relatives of the belligerent ladies had assembled in great numbers. An august board of

reverend men had taken their seats as arbiters. An able church dignitary presided. The church building was full to overflowing with amused and anxious spectators. The court was opened with prayer. All was solemn and impressive, as became the occasion, and it was plain to every observer that the proceedings were to be governed by the spirit enunciated so forcibly in the ancient decree, *Fiat justitia ruat cœlum.* Yes, it was evident that justice was to be done though the heavens fell. The church might suffer and become the sport and by-word of the irreverent, social harmony be destroyed by the tongue of busy scandal, yet the grave question *must* be settled, Who owned the thimble?

The first witness was called, John McM., a most worthy and truthful man. The thimble was shown him, and he testified as follows, to wit:

"A few weeks before this difficulty commenced, I went to the house of Mr. C. to borrow his gun to go a-hunting. Mrs. C. brought me the gun from an adjoining room; she also brought with it the powder-horn and shot-pouch. There was no 'charger'; the string by which it was attached to the horn was broken, and it was lost. I saw this thimble on the window-sill, and taking from the breakfast table an old-fashioned iron fork, which had a square tine, with it punched a hole through the top of the thimble and tied it on to the powder-horn for a charger. I used it that day. Noticed the motto 'Forget me not' on it, and I know that it is the thimble I had, and through the top of which I punched a *square hole.*"

The witness was cross-examined by the good brother who acted as attorney for the defendant, in a most able and lawyer-like manner, but it only seemed to make the testimony more conclusive and convincing.

Mrs. C. looked triumphant, and her friends wore some such an expression of countenance as the backers of one party in a prize fight might be expected to wear when their champion had drawn the first blood, while the clansmen of Mrs. E. looked very much crestfallen. On the outside of the church and in the gallery bets were freely offered of ten to one in favor of the complainant, Mrs. C., but there were "no takers."

After proving the words spoken by Mrs. E., the complainant rested her case.

The defendant's counsel now called Esq. John G., also a most worthy and truthful man, and he testified as follows, to-wit:

"A few weeks before this difficulty, a little child of Mrs. E., the defendant, came into my shoe-shop; she had something in her mouth, and fearing she might swallow it and choke herself, I took it from her, and found it was this thimble. I noticed the motto 'Forget me not' on it, and to prevent the child from either losing or swallowing it, I took my pegging awl, which had a square prong, and punched a *square hole* in the top, and strung it on a wax-end and hung it on the child's neck. I am confident this is the thimble, and that I made this hole in it with my pegging awl."

The good brother, attorney for complainant, proceeded to cross-examine him, but, like the other witness, it only made his testimony more positive and certain.

The sporting men in the gallery now tried to "hedge their bets," but could not. Mrs. E. and friends looked triumphant.

Here there was a pause in the proceedings—justice was at a dead-lock. Neither of the clans seemed to be pleased with the evident fact that it was all a mistake; but the feelings of parties and partisans had become so deeply stirred that naught but the defeat and dishonor of the opposite side would satisfy either. At this point of the case the acting attorney for Mrs. E. looked into the thimble, and there saw a price-mark, scratched with some sharp-pointed instrument, on the smooth surface of the metal. He had once been a clerk in the store of M. B. L., where his client stated she had purchased the thimble, and thought he knew the mark. This important fact was stated to the Court, with a request that Mr. M. B. L. might be sent for. Accordingly a note was written, and I, being the nearest boy to "the bench," was directed to take it down to the store, and to request Mr. M. B. L.'s immediate attendance. I took the note and started. On the road I had some misgivings, for that morning I had stopped at the store, and while there had seen the proprietor return from "his job on the canal," in a very "*fatigued*" condition. I had heard that there had been some difficulty at the canal—a riot and fight among the men—and that M.

B. L., who was a man of undoubted courage, had first taken a *drink* and then a pick-handle, and with the latter, inspired by the former, had broken several belligerent heads, and single-handed had quelled the riot. When this was done, he took another drink, and retired to his store, and at this time was asleep on a cot under the counter.

Now, M. B. L. was a man of wealth and position, respected by all, and beloved by many. He was generally a temperate man, and, as he afterward said, never got drunk unless there was either a riot or a church trial in his neighborhood. His wife, a most excellent and accomplished lady, was a member of the church, and at that time, with her little daughter, was attending the trial. She was idolized by her husband, to whom she, in turn, was very much attached. She was proud of his position and ability, and only had one sorrow—that on great occasions he would drink a little too much.

I entered the store, inquired for him, and was told that he was sleeping on the cot. I approached him with about the same feelings that the keeper of a menagerie experiences when with his *baton* of office he proceeds to stir up the sleeping animals in the cages, for the amusement of the visitors. On being awakened, he inquired in a manner which I thought at the time was unnecessarily emphatic, what in —— I wanted. First looking to see that the outside door was open, and that the avenues for retreat were unobstructed, I gave him the summons, and told him my errand. He suddenly arose, gazed for a moment

at my youthful form rapidly diminishing in the distance, and then—the last eruption of Vesuvius was a comparatively mild and placid phenomenon to what immediately occurred. It *almost* sobered him. Going to a show-case, he took from a box some two or three dozen of thimbles similar to the one in controversy, and started toward the church. I had entered long before he arrived, and was safe, but I awaited coming events with breathless anxiety. He walked in with a very grave face and slow and steady pace. He approached the seat of justice, and, with a look which seemed the very concentrated essence and spirit of contempt, faced both Court and audience.

The attorney handed him the thimble, and asked him to look in it and see if that was his price-mark. He took it between his thumb and finger, looked at it for a moment, then extended his arm and apostrophized it as follows:

"You are the thimble that has caused all this trouble! You are the apple of discord thrown by the spirit of mischief among the good sisters of this congregation! You have been the cause of all the vile gossip and slander that for the last few months have poisoned the social atmosphere of this community. You are the insignificant agent of the evil one that has nearly dismembered God's church in this place—turned friends into enemies and Christian women into slanderers and back-biters! You have brought all this large assembly of worthy people together to witness a scene most disgraceful in itself, disreputable to all engaged in it, and that will work

a lasting injury to the church and the cause of religion! You contemptible, insensate thing, if you were not made of brass, you would blush at the shameful part you are playing in this most ridiculous and wicked farce! Your first cost was about two and one-quarter cents; yet you are deemed of sufficient value to convoke the powers of a great church to determine the question of your ownership. But you will do no more evil if I can prevent it."

With the concluding remark he thrust the offending thimble deep down in one pocket, and taking from another a handful of thimbles, he approached a good sister who sat at the end of a bench near him, and offering her a thimble, in the most bland and gentle of tones said: "Mother Smith, take a thimble." The next was his lady-like wife, who seemed covered with confusion and shame when he said, "My dear, take a thimble." "Why, Mr. L.!" she answered in confusion. "Take a thimble," he repeated in no very amiable tone, and she took one, well knowing that there were times when her lord and master would be obeyed, and that his next remark might, regardless of the church, be in *italics*. He then proceeded deliberately to distribute all his thimbles among the amused and smiling sisters. When he came to the last one he turned to his little daughter, and handing her the thimble, said, "Here, Ann, take this, and then come home with me; and never let me catch you in such a scrape again; and when you are gone perhaps the rest of these fools and children will go home too."

With that, taking his little daughter's hand, he walked out of the house with the utmost nonchalance—leaving behind him an audience shamed into silence, yet I believe well pleased with the merited rebuke. The presiding officer sat a moment, then arose and said, "Let us close this meeting with prayer." By the by, I will remark that the officer was an uncle of M. B. L., and made of just such material, only softened and polished by conversion and grace. I always thought he was pleased with the rebuke administered to the church by his sinful nephew, and his prayer was well calculated to act like oil on the troubled waters. At the conclusion of the meeting mutual friends interposed their services, and the two sisters became reconciled, and for long years after were firm friends and zealous workers for the good of the church.

Ten years elapsed. M. B. L. had become an ardent temperance advocate, and I heard him say in a public meeting that he had been on a great many drunks in his life, and he was heartily ashamed of all of them but one, and that was the one that gave him courage to "speak his mind in meeting," and save the church of H. from dismemberment and disgrace; that he should always be proud of that drunk, for aided by it he had quelled a riot on the canal and made a prominent church ashamed of a most disgraceful quarrel about a thimble. He said his drunken folly was administered on the homœopathic principle; *i. e., similia similibus curantur.*

CHAPTER XXIX.

THE CONNEAUTVILLE FAIR.—HOW AN EXHIBITOR WAS TREATED WHO DESIRED TO EXHIBIT ONE OF THE PRINCIPAL MANUFACTURES OF THE COMMONWEALTH.

> "Drunkenness, that's a most gentleman-like
> Sin; it scorns to be beholden; for what it
> Receives in a man's house, it commonly
> Leaves again at his door."
>
> —*Cupid's Whirligig.*

> "The wealth of a country consists in what it manufactures and produces."
>
> -*Political Economy.*

THE enterprising little town of C—— boasts of its county fairs, and well it may, for some of them are said to have excelled the State fairs in the number and variety of articles and products exhibited. It is a beautiful village, situated in the western part of C—— county, Pa., and formerly was noted for its health, as well as for the intelligence and morality of its citizens. In answer to a petition of the temperance people, the Legislature of the State enacted a prohibitory liquor law for that particular locality. The law permitted only druggists to sell liquor, and then it must be on a prescription sent by some prac-

tising physician. It is a singular fact that almost immediately after the passage of this act of the Legislature, the general health of the town became very much impaired. It seemed as if all the diseases to which the human system is liable selected that devoted village as the arena of their revels; or, in other words, they seemed to settle down there, determined to engage in active business with its inhabitants. As a result, the druggists had to very much increase the size of their prescription books. The regular physicians were busy from morning until night making *diagnoses* of the diseases of the multitudes of patients that thronged their offices. The minutes of the cases when *diagnosed* generally read as follows, to wit:

"April 1st, 18—. O. called. Case examined. Found the patient laboring under a severe indisposition (to labor); complained of great thirst and an uneasy sensation in the *epigastric* region; expression of great anxiety on the countenance, as if he longed for some unattainable object; *extravasation* of blood over the *nassi-ossa;* patient said he must have relief if he had to go to some other town to get it. Prescribed for him, and await the result in confidence."

Immediately after, the invalid with hasty step would be seen approaching the nearest drug store, and soon after, on the prescription book of the druggist would appear the following:

Prescription No. 13,026. To O., by Dr. McM.

Spts. *Cornus non rectiflus*	2 qts
Barkus Moose-missus, pulv.	1 grain
Saccharum Alba	¼ lb.

To be taken as often as the patient desires, and in quantities to suit the *idiosyncrasies* of his constitution.

Wm. McM., M.D.

To the credit of the medical faculty of C——, it may be said that their treatment was generally successful, there being no fatal cases recorded—all recovered!

A few months ago the C—— fair opened its gates to the public. Nearly all the great manufacturing interests were represented with becoming pride. Yet it came to pass that one enterprising citizen opened a booth where he purposed to exhibit a manufacture in which the State takes great interest—so great, in fact, that the Government controls a monopoly of it, and no citizen can engage in its production, unless a license is first obtained from the Court.

His booth was well garnished with bottles, kegs, barrels, glasses, and all the necessary fixtures to enable him to do a large and profitable business. On the morning of the first day of the fair, just as he had commenced to exhibit his manufactured product, an officer stepped up to his counter and informed him that he had violated the law; that the State alone held the right to "manufacture drunkards," and that no citizen could engage in the business unless he had a special license to do so.

The proprietor was grieved and disappointed at this information, and the partly convalescent invalids of the town and surrounding country looked sorrowful, but the power and majesty of the law prevailed. The monopoly of a great Christian commonwealth was protected, and the enterprising citizen who un-

dertook to exhibit a great manufacturing interest of the country is at this moment languishing in our county jail under a sentence of the Court, for the crime of making drunkards without a license. Not because it is wrong, *per se*, to ruin men with whiskey, but because the State reserves (for revenue purposes) the exclusive right to say who shall and who shall not engage in the business of manufacturing criminals, drunkards, and paupers. This right in the commonwealth is like that of *eminent domain*, a superior dominion of the sovereign power, to be exercised wherever and whenever the public good demands it. And who does not see that it is much more respectable to be ruined and made a drunkard by a legally authorized and licensed agent of the government than by a humble, private citizen, who, in violation of the rights of a great State, attempts to steal the royal prerogative, and sell whiskey, unsanctioned by the broad seal of the commonwealth ?

In the State of Indiana, at a recent fair, the board of managers let booths on the fair ground for the sale of liquor. This event and what came of it is so well reported in a western paper, and defended so ably by one of the managers, that I quote it entire :

"DRUNKARDS AS AGRICULTURAL PRODUCTS.—At the late autumnal fair of the Indiana State Agricultural Society, booths were let for the unrestricted sale of intoxicating liquors. The consequence was that there was such an amount of uncontrollable intoxication as to give rise to a very strong feeling of disgust against the board of managers. The Indiana papers

took up the subject, notably among them the *Indiana Farmer*, and the said managers have been severely handled. But of the number, a Mr. Rayland Thomas Brown, in the *Indiana Farmer*, makes the following statement:

"'Since I have come to the confessional, I may as well admit that I have my doubts whether we should prohibit saloons at the State and county fairs. These fairs ought to exhibit fairly the various industries in which the labor and capital of the State are invested. Now, excepting agriculture, there is more money invested in the manufacture of drunkards than any other business in the State; and so important and profitable does the Legislature of Indiana regard this business, that they refuse to suffer any one to engage in it unless they will divide the profits with the State. Our dividend of these profits last year was about $300,000. Now, as everybody does not understand how these thousands of drunkards are made, that are turned out every year from the factories of this State, is it not proper that the process, in all its details, should be exhibited at the fairs? We exhibit our schools of learning and virtue, from which we fill our positions of honor and trust, and shall we not exhibit the schools of vice, from which we fill our penitentiaries and poorhouses? We exhibit our sources of wealth in the products of the farms and the workshops, and shall we conceal the leak where millions of that wealth is sunk in the dissipation of the saloon? Shall we not be honest and show it all? Indeed, Mr. Editor, I feel very much like taking it all back and acknowledging myself a convert to saloons at fairs.'"

CHAPTER XXX.

EFFECTS OF ALCOHOL ON THE STOMACH AND DIGESTIVE ORGANS.

"It weaks the brain, it spoils the memory,
Hasting on age, and wilful poverty:
It drowns thy better parts, making thy name
To foes a laughter, to thy friends a shame.
'Tis virtue's poison and the bane of trust,
The match of wrath, the fuel unto lust.
Quit—leave this vice, and turn not to't again,
Upon presumption of a stronger brain;
For he that holds more wine than others can
I rather count a hogshead than a man."

—*Randolph.*

"The common ingredients of long life are
Great temperance, open air,
Easy labor, and little care."

—*Sir P. Sidney.*

"Drink no longer water, but use a little wine for thy stomach's sake, and thine often infirmities."

—1 *Timothy*, v. 23.

DOCTOR ADAM CLARK states that at the time Timothy received the advice from the Apostle Paul, "to use a little wine for the stomach's sake," he was a feeble, sickly young man, his excessive abstemiousness had very seriously impaired his health, and the prescription was directed to him in his then precarious condi-

tion. The wine of which he was to use but *little* was intended as a tonic, on account of his "infirmities."

With due and becoming respect to the learned Apostle, I cannot help but think that if his gift of prophecy had told him what use would be made of his prescription to Timothy by the modern advocate of the liquor traffic, he would have recommended some other remedy. But it would have indeed been a stretch of the powers of prophecy to foresee that because a sick man was recommended to take a *little* wine on account of his infirmities, therefore every toper, tippler, or intemperate drinker should find a justification for guzzling corn whiskey, fusel oil, and strychnine *ad libitum.* A prophet might reasonably predict a general conflagration that would cremate the world, because the elements of the earth, in their chemical combinations, might possibly produce an instance of spontaneous combustion on a grand scale, but that any one would attempt to find justification for the use of alcoholic liquors as a beverage from the mild prescription of St. Paul, the most gifted and inspired prophet could hardly have contemplated. Yet, in former times, I have heard ministers of the gospel predicate an argument of that text to justify the use of alcohol in a temperate manner as a beverage; but I also recollect that those who held that opinion were generally possessed of rubicund features, accompanied by a chronic infirmity of a kind that defied the powers of the most expert *diagnostician* to detect.

The stomach itself repudiates the idea, and rejects the prescription as empirical.

Figure 1 (see plate) represents the mucous coat of the stomach in a healthy state, which, in color, is slightly reddish, tinged with yellow. No man with a stomach in that condition ever quoted the passage from Timothy to justify even the temperate use of alcohol as a beverage.

Figure 2 represents a part of the internal portion of the stomach of a temperate drinker, a man who takes his grog daily, but moderately, the effect of which is to distend the blood-vessels of the inner surface of the stomach, or, in other words, produce a degree of inflammation which makes the blood-vessels visible.

This man has read the text, and tries to believe that St. Paul was a temperate drinker, and recommended a little wine to his friend daily as a beverage.

He would be insulted if you were to tell him that there was danger of his becoming a drunkard. He is probably a good citizen, may belong to a church, is a kind husband and father, and has not the remotest idea that he is approaching the awful precipice of habitual drunkenness with slow but steady pace. No! he is confident he can command his appetite, despises a drunken sot, and wonders how any man can become so degraded and regardless of himself and family as to become a common drunkard.

Figure 3 represents the stomach of an habitual drunkard (just what No. 2 will be in a year or two).

These drawings are taken from life (or rather from death), and this figure shows the mucous membrane in a highly inflamed condition. In this state the inebriate is never satisfied unless the stomach is excited by the presence of alcohol or some other narcotic poison or stimulant.

In this condition the man is a firm believer in the text; that is, that he "must drink no more water." He also believes that it is absolutely necessary for him to take wine or alcohol (for by this time wine will not satisfy the irresistible cravings of his appetite). If he abstains from strong drink, he is afflicted with loss of appetite, nausea, gnawing pains, and a sickening sensation at the stomach, also lassitude, and a disturbance of all the functions of the body.

At this stage the drunkard *may* yet reform and save himself from the terrible tortures of *delirium tremens*, followed by almost certain death, but it will require a fearful struggle with his appetite, a struggle from which comparatively few come out conquerors. Yet a few out of the great army of thousands that are marching with steady and certain step to a drunkard's grave do here desert the black flag of death that floats over that army, and by the exercise of great will power they do save themselves, and become sober men; but the reform is only accomplished by total abstinence. So long as the drunkard indulges in the smallest degree, so long will the propensity to drink be perpetuated.

Figure 4 represents the inner coat of the stomach ulcerated, as the direct and certain result of alcohol-

ic inflammation. There is yet a faint hope that reformation is possible, but it is not probable. Men have lived and reformed who had arrived at this point on a drunkard's downward career, but not one in a hundred.

Figure 5 is a representation of the stomach of a drunkard who died immediately after a long debauch. It shows a high degree of inflammation, and the color is changed to a livid red.

The last of these plates represents the internal coat of the stomach of a man who had died of the *delirium tremens.* The fearful effects of alcoholic poison, as thus shown in color, are indescribable in words. In some places the mucous membrane seems to be in an incipient state of mortification.

The effects of alcohol are not alone seen and felt in the stomach. As soon as it is taken into that organ it excites the heart through the great sympathetic nerve, quickens its movement in an effort to counteract, through a more rapid supply and change of blood, the local injury being done to the stomach. Larger quantities increase this action, and acting locally it coagulates or thickens the albumen, contracts the red corpuscles of the blood by carrying a part of their fluid and coloring matter to the *liquor sanguinis ;* it also affects the functions of all the organs, hastening and retarding them by turns, thus wasting much of their normal power ; it influences the respiratory processes through the sympathetic and motor nerves. In short, it always, in its use, sows the germs of an infinity of diseases, and in the end as surely causes

death as does the knife of the assassin. It is, in fact, an assassin that, licensed by law, goes forth to conquer and to slay. Not one sentence, not one word can be said or written in its defense, but its effects are always evil when used as a beverage. We hang the criminal who murders his fellow-man, that the terrible punishment which the law inflicts may, by its warning example, deter others from the commission of crime; yet we nourish and foster alcohol, encourage its use by special license and legal protection, permit it—a reckless murderer—to stalk through the land on its mission of sin and crime, alike bidding defiance to the laws of God and regardless of the welfare of mankind.

Can any sane man who has read the noble words of the sainted Apostle in his inspired epistles, who has read the history of his pure life as a disciple, believe that he ever intended to sanction the use of that to which the earth is indebted for so much of the sin and crime which his Lord and Master died to expiate?

To quote the word of God to sustain the traffic in liquor is blasphemy. To permit the traffic by law is a national crime. To countenance its use, even by apathy and indifference, is a sin as great and palpable as a violation of the plainest mandates of the law. Every motive under heaven that should prompt men to do good instead of evil, to promote virtue and morality instead of vice, demands of a Christian people the abolishment of the wicked traffic, as they hope for happiness and prosperity in the future.

CHAPTER XXXI.

HOW LIQUORS ARE MADE.—USEFUL (?) RECEIPTS.

1st Witch, *alias* distiller—

"Round about the cauldron go,
In the poisoned entrails throw—
Toad, that under the cold stone,
Days and nights hast thirty-one
Swelter'd venom sleeping got,
Boil thou first i' the charmed pot!"

2d Witch, *alias* rectifier—

"Fillet of a fenny snake,
In the cauldron boil and bake;
Eye of newt and toe of frog.
Wool of bat and tongue of dog,
Adder's fork and blind worm's sting,
Lizard's leg and owlet's wing,
For a charm of powerful trouble,
Like a hell broth, boil and bubble."

3d Witch, *alias* compounder—

"Scale of dragon; tooth of wolf;
Witch's mummy; maw and gulf
Of the ravin'd salt-sea shark;
Root of hemlock, digged i' the dark;
Liver of blaspheming Jew;
Gall of goat; and slips of yew,
Silvered in the moon's eclipse;
Nose of Turk and Tartar's lips;
Finger of the birth-strangled babe,

> Ditch-delivered by a drab,
> Make the gruel thick and slab;
> Add thereto a tiger's chaudron,
> For the ingredients of our cauldron."

4th Witch, *alias* licensed vender—

> "Double, double, toil and trouble,
> Fire burn and cauldron bubble;
> Cool it with a baboon's blood,
> Then the charm is firm and good."
>
> —*Shakespeare's Macbeth.*

FEW of my readers are aware of the manner in which the liquor is manufactured that is found in the bar of the licensed vender of alcoholic drinks. A number of times during my professional life, both as a chemist and as a lawyer, I have had occasion to investigate the secrets of distillers, rectifiers, and compounders, and I state as a fact which is beyond contradiction, that ninety-nine one hundredths of the liquors sold are vile compounds, composed of nauseous and poison ingredients, nasty and injurious to health.

We often hear it remarked that in ancient times liquor was not so hurtful to those who drank it as it is to-day, and the question is often asked, Why is this so?

The reason is obvious. Even pure liquor, when used as a beverage, is a poison to the system; but it is mild and innoxious in its effects when compared with the vile and poisonous compounds now sold as old rye whiskey, bourbon, gin, brandy, and port wine. I do not believe there is a gallon of pure gin, port wine, or brandy within the boundaries of this commonwealth. The liquors that are sold as such are all

manufactured by the compounder, and the base of all of them is redistilled corn whiskey.

I will give a few receipts for their manufacture, given to me by an old and experienced rectifier and compounder.

In the production of whiskey, the object of the distiller is to get as much spirits as possible out of a given quantity of grain. To do this various yeasts have been compounded and patented, each inventor claiming that by his invention more of the infernal poison can be obtained from the grain than by the use of any other. In the process of distillation there passes over with the liquor an "amylic alcohol," or, as it is called in the trade, "fusel oil." This is a deadly poison, and the spirits must be freed from it as far as possible before it is safe to use it. This is done by passing the liquor through charcoal, screens, and peculiarly constructed apparatus.

The liquor is also redistilled, to make a neutral, colorless spirit, which is used as the base of all the vile compounds put upon the market as genuine liquors, and sent upon their mission of crime and death, to be distributed over the country by the legally authorized agents of the license law.

USEFUL (?) RECEIPTS.

To make Old Rye Whiskey :

A customer goes to a compounder and orders two qualities of whiskey—one for $4 per gallon and the other for $2.50 per gallon.

To make the first quality the compounder takes re-

distilled corn whiskey, dilutes it with water to the required standard of specific gravity, or, in other words, dilutes it until there is about a certain number of average drunks in a gallon. For $4 whiskey a small quantity of genuine old rye is added to flavor it, and some molasses to give it a little more body, and then it is colored with burnt sugar. For the $2.50 "goods" more water and burnt sugar are used and less of genuine old rye. A little alkali is added to give it a "bead," and a large amount of common *lie* to give it age. By a free use of the last ingredient any desired antiquity can be given it.

Formula condensed—Cheap corn whiskey, a little old rye, carbonate of soda, falsehood and fraud *ad libitum*. Use any amount of the latter ingredients necessary to make the article marketable.

To make French Brandy—

Neutral spirits, *i. e.*, corn whiskey, 140 gallons; flavored with one ounce of oil of cogniac; color with burnt sugar or a little logwood, and then dilute with water to suit the price. The last ingredients used in making whiskey must be used here freely to get the goods on the market.

To make Port Wine—

Neutral spirits (corn whiskey) reduced to 50—100 being the government standard. To color and flavor, use elderberry juice, or for cheap wine for drinks at balls at country taverns, cider colored with logwood extract will answer as well as elderberry juice. The last ingredient used in whiskey not so necessary here, as no person ever saw a drop of pure port wine in

this country, and no one will know the difference between a delicious infusion of logwood and the genuine article. There is crime enough in a quart of this detestable compound to keep the criminal court running for over a week.

To make Gin—"Pure Gin," as the label on the bottle hath it—

Neutral spirits, of the same parentage as before, 100 gallons; spirits of turpentine, 1½ pint; oil of juniper, ½ pint; 1 gallon molasses. A little carbonate of soda or other alkali is added sometimes, and always a large amount of other *lie*. This is necessary to make the thirsty traveling public believe that diluted spirits of turpentine and corn whiskey combined is actually gin. I took a drink of this stuff about ten years ago, and every time I have seen the landlord since then he has said it was pure gin, and yet, as a mental phenomenon, I can't say that I am fully satisfied that it actually was so.

To make Cherry Brandy—

Neutral spirits, 25 gallons; water, 25 gallons; molasses, 8 gallons; the juice of black cherry, 5 gallons; oil of cloves, ¼ ounce; oil of cinnamon, ¼ ounce; oil of bitter almonds, ¼ ounce. You may use with this also either *lie* or alkali, or both; the one to give it currency as a circulating medium, and the other to give it a "bead" in the glass.

All the wines with euphonious French names enumerated on the bills of fare in our fashionable hotels are but so many vile compounds made with cider, corn whiskey, and French flavors, and many of these

flavors are chemical extracts, manufactured from the sewers of Paris, from the disgusting offal and garbage of a great city. There is very little pure wine imported from Europe to this country, but thousands of barrels of cider are every year shipped to France and Germany, where they are drugged, flavored, and manipulated by the manufacturers of spurious wines, and then returned to us in bottles with fancy labels, to be drunk by the American connoisseurs, who smack their lips over the compounds. Verily, "Where ignorance is bliss, 'tis folly to be wise."

In vol. xxxix. of the *Scientific American*, page 344, the reader will find a very interesting article on "Frauds in Wine-making," from which I copy the following extracts:

"There is perhaps no article of daily consumption that undergoes a greater variety of adulteration than wine. Indeed, it is not only adulterated, but much of the liquid we know by that name is entirely innocent of any grape juice at all. For instance, the sherry for which Hamburg has long enjoyed a notoriety, is not sherry, but merely a fictitious article; yet this, when exported to other countries, passes for genuine. True port wine is very rarely seen in the market, most, if not all, of the stuff sold under that name being a mixture of elderberry juice and other articles; and Madeira is usually composed of sherry variously doctored.. It is well known to those living in France that Nancy bears the odious name of having been the first to set the vicious example of a sys-

tematic adulteration of French wines, both red and white; and that Lorraine, Alsace, and Luxembourg are notoriously the centre of extensive manufacture of spurious wines, some of which owe nothing to the vine. Celebrated brands of champagne, as Roederer and Clicquot, are here concocted from rhubarb juice and carbolic acid. Light clarets, rough red Rouissillon, and other wines can be produced to suit the most fastidious taste by merely refermenting squeezed grape-husks that have once been used, along with coarse sugar made from potatoes.

"We can divide the materials serving for the adulteration of wine into six great classes: water, alcohol, sugary matters, astringent or acid matters, coloring matters, and certain others designed for giving the bouquet. This subject of the falsification of wines, to properly treat it, would require a volume. We must limit ourselves here to an enumeration of the coloring matters used, the deleterious character of which is not only exciting the attention of French physicians and scientific men, but of the French government as well. The syndicate of Narbonne have formally complained to the Minister of Agriculture that Portuguese, Italian, and Spanish wines, all colored by the juice of elderberries, enter freely into France. Yet the wine growers of the Narbonne district have themselves learned to make use of the elderberry as well as of material less innocuous. Fuchsine, which is prepared by adding arsenious acid to coal-tar analine, is used in immense quantities for imparting a fine ruby red to wines, although it is

known to be poisonous. There are a host of other coloring materials less dangerous than fuchsine, but still injurious to health, in common and daily use for the manufacture of wines. There is a decoction of campeachy wood, extract of mallow, cochineal, rosaline (one of the coal-tar colors), colorine, black mulberry juice, red beet, poppy, and various fantastically named essences of vegetable, mineral, and animal origin. It is stated that in July last year a single grower of Narbonne sold ten thousand francs' worth of cochineal coloring to wine growers of the village of Odeillam alone, to be used to tint poor and pale wines. M. Paul Manot, the representative of the eastern Pyrenees in the French Assembly, has laid before the government a mass of authentic evidence on this subject. It was proved, for instance, by a careful analysis, that a quart of one certain wine contained no less than half an ounce of alum, and also the red extract of coal tar called gunate, which was formerly thrown away as worthless, but now commands a high price as an ingredient in the composition of fuchsine, which is thrown by the hundredweight into wine vats.

"Happily, chemistry has given us the means of detecting these adulterations. The best and simplest method of doing this is given us by M. Didelot, a chemist of Nancy. The test is a tiny ball of gun-cotton. This is dipped into a glass of the suspected wine, and when washed will resume its whiteness, if the wine be pure; if not it will retain the red color due to the poisonous fuchsine. The addition of a few

drops of ammonia gives a violet or greenish hue when vegetable matters have been used for imparting the desired color. Benzine forms with fuchsine and its allies a red jelly that floats on the surface. A new *industry* (?) is daily becoming more and more important; it is the manufacture of ethers of a complex composition for the purpose of giving wines particular bouquets. By the addition of very small quantities of these ethers new wines may be converted into the semblance of old in a very few minutes, or certain poor wines be made to resemble those of famous vintages. Thus we see that science is ever busy in her endeavors to increase the number of products necessary to modern civilization."

But what about ale and beer? ask my readers.

To answer this question I can do no better than to quote entire an article published in the *Chicago Tribune* of September 25, 1878. It is graphically written, and evidently more in sorrow than in anger. The writer manifestly feels very much as a lover would feel who has reason to doubt the fidelity of his mistress, or perhaps more than doubt—like one who has discovered some startling fact that even love cannot excuse or overlook. We sympathize with the *Tribune's* correspondent, and we appreciate his sorrow, but misplaced confidence in those we love is so common in this world that he who has never felt the pain it causes is an exception to the general lot of men. Here is the article:

"The Milwaukee *News* in a recent issue has an article upon substitutes for beer in which it is shown

that malt and hops are rarely the foundation of beer in that city. Of course, if they are not used to any extent in that city, the suspicion will at once arise that they are not used in this city. If they do it in Milwaukee, there is a possibility that they do it here. Can it be that they all do it? The *News* alleges that the brewers of that city are using corn and rice instead of malt and hops, and the worst of it is, it proves it by reference to the revenue books, upon which the brewers are required to record each month every pound and bushel of material purchased for the manufacture of malt liquor. Here are some of the statistics from these pages of overwhelming testimony. During six months of the present year Philip Altpeter has purchased 3,500 bushels of corn. The Philip Best Brewing Company, at their five breweries, consumed, during the same period, 546,218 bushels of corn, and 72,382 pounds of rice. Valentine Blatz in four months used up 20,700 bushels of corn, and 87,-337 pounds of rice. The Milwaukee Brewing Company have devoted themselves all this year to corn, consuming 27,455 bushels. Frederick Miller, with equal assiduity, has given all his energies to rice, using 81,258 pounds. There are five brewing establishments who report no consumption of any material except hops and malt. At first thought one is tempted to rejoice that there are five honest and righteous firms, but even in these cases the demon of suspicion comes in again, as it is stated that several of them buy large quantities of malt from the malster Gerlach, who runs a rice-malt mill for their special ac-

commodation. We can trust no one in that wicked city, that has hitherto enjoyed such an excellent reputation for honest, cheap, and wholsome beer. It has tampered with that reputation and lost it. Beer should be above suspicion. We expect spirituous liquors to be adulterated. Indeed, we should be inclined to resent it if they were not. Nothing would so sadden the average drinker as to miss the benzine in his whiskey, the fusel oil in his brandy, the apple juice in his champagne, or the old boots in his claret. The unadulterated article would not have the snap and zest of the drugged compounds to which he had been accustomed. The patron of wet goods will find no fault with these, but he must have his beer pure and innocent. It is his solace in time of sorrow, the *Gennetlicheit* for his hours of gladness, his tonic when he is reduced, and the steadfast stengthener of his social ties. One never reaches the lowest depth of despair so long as he can get good beer. When that fails, then, indeed, are the dolls stuffed with saw-dust and life no better than sounding brass and the tinkling cymbal.

"A gentleman who has for years been confidentially employed in one of the largest of the Milwaukee breweries, in an interview with the representative of the *News*, draws a sad picture of the effects of this wretched corn and rice beer. He says: 'Beer made from corn, rice, or wheat, is about as much beer as butter made from beef scrapings is butter, or sugar made from old rags is sugar.' The rice is specially hurtful to the health. It gives the beer color and

body, but it gives the drinker a head the next morning. The man who drinks ardent liquors expects to have a head on him the next morning, and he is disappointed if he does not find it constructed upon a very big scale; but he does not expect a head from beer any more than he does from his tea and coffee. On the other hand he should arise refreshed and reinvigorated like a lion. Further says this one who knows: 'Corn is not so injurious to the health, but beer made partly from corn must be consumed right away. It is rather laxative in its effects. I have no doubt that either corn or rice made beer is capable of harm to delicate persons, to women, and to nursing children of women who drink it. Another thing, beer made from corn can never be lager beer. It has to be marketed and consumed while "green."'

"Of course, the most suggestive feature of all this painful development lies in its local application. Are our brewers, like those in Milwaukee, reduced to such desperate straits in trying to keep body and soul together that they have to resort to these unwholesome practices? Are they charging the saloon-keepers war prices for beer substitutes in order to keep out of the poorhouse? Is the thirsty soul who lays down his nickel for a penny's worth of beer buying an extract of rice or corn instead of the juice of the malt and hops? These are questions that ought to be answered, and the brewers themselves ought to do it."

The compounds described are what are meant in our license law by the terms "malt, brewed, and dis-

tilled liquor." The act of Congress, or the internal revenue law, grants licenses to rectifiers and compounders. Section 3,244 of that law, passed July 10, 1870, defines the term rectifier as follows: "And every person who, without rectifying, purifying, or refining distilled spirits, shall, by mixing such spirits, wine, or other liquor with any materials, manufacture any spurious, imitation, or compound liquors for sale, under the name of whiskey, brandy, gin, rum, wine, spirits, cordials, or wine bitters, or any other name, shall be regarded as a rectifier, and as being engaged in the business of rectifying," &c. And this section provides that the rectifier shall pay a license of two hundred dollars.

It will be seen that these vile and poisonous compounds are recognized by the laws of the United States as merchantable products. The manufacturer, dignified with the name of "rectifier," is allowed to make them and put them on the market. That is, the rectifier (?) may pay a Christian government two hundred dollars per annum, and receive therefor a license to manufacture any poisonous compound; give to it a lying name calculated to deceive the public; sell it to the people, thereby poisoning the physical body to death and the soul to perdition.

And the State laws, under the plea of "necessity to the traveling public"—as specious a lie as the names given to the compounds—license places where these poisons may be sold to the ignorant and unsuspecting.

We read with horror that negro kings of Africa

permit human sacrifices in their kingdoms. Barbarous and brutal as they are born—sunk in a depth of ignorance only a little above the brute—they may plead in extenuation of this horrible custom that it is in accordance with their religion; that they do it in the spirit in which Abraham was about to sacrifice Isaac, because they believe their deity demands it, and that the god of their people delights in the sight of human blood. But we tolerate a production and traffic in a poison that, in the startling language of the Rev. Charles H. Fowler, D. D., "murders sixty thousand men annually; dooms to an inheritance of rags and shame two millions of children, hangs a millstone around the necks of three millions of women, and casts them into the social sea; sends two hundred thousand paupers to the poorhouses; over two hundred thousand criminals to the gallows and the prison; bequeathes two hundred thousand orphans to public charity; horrifies the year with four hundred and fifty suicides, seven hundred murders, and commits to the demon of lunacy twelve thousand human beings."

All this multitude of horrors is due to these compounds, and caused, either directly or indirectly, by their demoniacal influence; and to this may be added the startling fact that they take from the public comfort the enormous sum of $2,607,491,866 annually, and expend it in crime. Remember that we do not live in Africa nor on the cannibal islands of the sea, but in a Christian land.

When a century or two have passed, and the future

reader shall learn from the pages of history that such a code of laws once existed among an enlightened people, it will create feelings of surprise and astonishment akin to those with which we now read of the temples in ancient Babylon dedicated to lust and debauchery, or view those portions of the ruins of Pompeii once the open, law-established shrines of sin and shame.

That the license law cannot long survive an awakened public sentiment is certain. It must, in man's onward progress, be obliterated from our statute-book. The time is not distant when people will wonder that it was ever there; that it was ever tolerated, even as we wonder that human slavery could once have existed in a land that, above all others, boasted of the liberty of its people and the freedom of its institutions.

CHAPTER XXXII.

"A CURE FOR HARD TIMES: MAKE YOUR WIFE YOUR BAR-TENDER."

"Wine is like anger; for it makes us strong,
Blind and impatient, and it leads us wrong,
The strength is quickly lost, we feel the error long."
—*Crabbe.*

"Thee shall each ale house, thee shall each gill house mourn,
And answering gin-shop sourer sighs return."
—*Pope.*

"How many drinks a day do you take?" I asked a business man who had just informed me that he never drank enough to hurt him. "Oh," said he, "not over three. I generally take a drink before each meal; it gives me an appetite and helps digestion. But I can drink or let it alone, just as I wish."

True, so he can now, and so once could every drunkard, but as the digestive organs become accustomed to the poison stimulant, their demand for it increases, and either the number of drinks or the quantity drunk must be increased. This is as certain as the operation of any of the immutable laws of nature, but of this fact we have spoken in former chapters, and will not repeat what we have said.

Three drinks per day! and what for? Does the mechanic, or laboring man, or business man require it to help to endure the cares, the perplexities, the physical or mental exertion necessary to accomplish his daily task? Is the male organism so different from the female that it requires a stimulant to assist it in the daily routine of labor and business? How is it with the patient wife at home? Has she no cares, no labor to perform? Is there nothing in the endless monotonous task of cooking, baking, washing, mending, and housekeeping that requires the aid of a stimulant as much as the labor incident to the occupation of the husband? Why is it that the necessity of the saloon and dram-shop is only felt by men? If my business friend to whom I referred should ascertain the fact that his wife found it necessary to go to a public bar-room and take three drinks per day to help her to endure the fatigues and trials incident to her daily occupation, what a look of astonishment would enliven the masculine countenance! How surprised would be the husband and father! How astonished the head of the family would feel at the discovery of the startling fact that the hard-working wife felt the same fatigue at her daily toil, and required the same stimulating relief from weariness that he did. But why not, my good sir? Your labor is not harder or more perplexing than hers, and yet you must spend at least thirty cents per day in drink to help your stomach to digest the food she has labored to prepare for you—yes, over the heated oven and stove, with the thermometer at 100 degrees

in the shade, she has had to stew and bake, boil and and broil, to provide means to gratify your appetite, and you object to her taking an occasional drink to cheer her in her laborious pathway—as dreary and monotonous as the tread of the horse in the circular path of the mill—while you, poor man, so frail and feeble in constitution, amid the varied and exciting scenes of business life, might fall by the wayside from sheer exhaustion but for the stimulating effects of three drinks per day.

Why, three drinks a day would purchase your wife three new nine-dollar bonnets per year, one silk dress at thirty dollars, four calico ones at two dollars apiece, and then leave the sum of over thirty dollars, which might be safely and permanently invested either in taxes, life insurance, or clothes for the children, and at the end of the year your health would be better, your family happier, and you much further from a drunkard's life and bankruptcy in business.

In my morning paper I noticed the following extract from a temperance lecture delivered at Maysfield, Ky., by C. T. Campbell, and I quote it for the benefit of those who can best appreciate it—*i. e.*, the men who take three drinks a day, and look so grave at home whenever the subject of a new bonnet is mentioned by the hard-working wife :

"Bar-keepers in this city pay on an average $2 per gallon for whiskey. One gallon contains sixty-five drinks, and at ten cents a drink the poor man pays $6.50 per gallon for his whiskey. In other words, he pays $2 for the whiskey and $4.50 to a man for

handing it over the bar. While it would be better for all not to drink, some men will have whiskey, and my advice to them is this: Make your wife your bar-keeper. Lend her $2 to buy a gallon of whiskey for a beginning, and every time you want a drink go to her and pay ten cents for it. By the time you have drunk a gallon she will have $6.50, or enough money to refund the $2 borrowed of you, to pay for another gallon of liquor, and have a balance of $2.50. She will be able to conduct future operations on her own capital, and when you become an inebriate, unable to support yourself, shunned and despised by respectable people, your wife will have enough money to keep you until you get ready to fill a drunkard's grave. But had you paid all this money to a bar-keeper, he would not have given a cent to bury you, or a crust of bread to keep your children from starving.

"Few people ever stop to calculate the cost of dram-drinking. At ten cents per drink, one drink per day will cost $36.50 per year, two drinks per day will cost $73, three drinks $109.50, and four drinks $146 per year. A man came to me the other day to pay the interest on a note of $100 I hold against him. Said he, 'I only receive $600 a year, and with a family to support, I am not able to pay my debts.' I asked him to take a pencil and make a slight calculation for me, and then asked how often he drank at a bar. His average was three drinks per day, which, by his own calculation, amounted to $109.50, or enough to have paid both principal and interest of the note and have $1.50 left. He was astonished at the discovery, and is now determined never to drink at a bar again."

CHAPTER XXXIII.

YIELDING TO THE FIRST TEMPTATION IS THE FIRST STEP TO RUIN.

"'Tis wisdom to beware,
And better shun the bait than struggle in the snare,
To shun allurement is not hard
To minds resolved, forewarn'd, and well prepared;
But wondrous difficult, when once beset,
To struggle through the straits, and break the involving net."

—*Dryden.*

"Again the devil taketh him up into an exceeding high mountain, and showeth him all the kingdoms of the world, and the glory of them;
"And said unto him, All these things will I give thee, if thou wilt fall down and worship me."

—*Matthew iv*, 8, 9.

Now, it is a notorious fact that when the king of the grog-seller's and the drunkard's future realm made the magnificent proposition narrated by the Apostle, he did not own a single foot of the territory that he proposed to bestow as the price of reverence to his majesty and power. Not even the renowned firm of Quirk, Gammon and Snap, had they given his claim a moment's consideration, would have had the hardihood to have commenced in his name an action of ejectment against the original owner, for the premises

pointed out in the offer made. It is true that very many of the *terre tenants* held possession of the premises they occupied by leases given under the hand and seal of the great claimant "to all the kingdoms of the world." It is also true that the law-making powers of different countries had, to a certain extent, acknowledged his right, and even to-day the legislatures of many of the States of our glorious Union have enacted laws to sustain his claim and calculated to give him a firmer and more secure possession of the great "freehold" of earth. It is also true that the highest judicial tribunals in the land have, by their decisions, almost recognized him as a *tenant in fee* to the great domain he so generously offered to bestow upon the Savior as a reward for homage to him, and that this tenantry dates as far back as that terrible morning in the infancy of creation, when the flaming sword of the cherubim guarded the "way to the tree of life." While all this is true, yet it is a well-established legal principle that *prescription* cannot be "set up" against the "State" or "the source from which all titles come."

"At common law," says a learned English writer on estates, "where there has been an enjoyment for as much as sixty years, it gives a title absolute and indefeasible against all claimants except the king." And although for nearly sixty centuries the devil has claimed to own "all the kingdoms of the world and the glory of them," yet his title is absolutely so worthless that a modern Shylock would not lend money at one hundred per cent. interest per month, and tak

a mortgage on his estate as security. No! the claim of the foul fiend is only recognized by politicians who, by legislative enactment, are willing to grant him a great franchise—the right to ruin men, beget crime, and manufacture drunkards, criminals, and paupers.

Like all other great claimants, he has his friends who advocate his claims, but they are not found among the great and good of the land; they do not build Christian churches, nor adorn them with their presence at religious services; they do not build schools and institutions of learning; they are not conspicuous among the great philanthropic benefactors of the world. But they swarm in the purlieus of vice in our cities; they fill our prisons and poorhouses, our rum-shops, drinking-saloons, and gambling-hells; are seen in great numbers around the precincts of our elections, and—to the infinite shame of the American people—great numbers of them obtain seats in the halls of legislation of this Christian country.

The most powerful advocate of the claims of the devil to the possession of the kingdoms of the world is ALCOHOL. By and through its agency the great demoralizing effects of intemperance permeate alike the private circles of home and the public gatherings of society. Its influence is seen everywhere: among the great ones of earth and the humblest servants of their fellow-men; by it all are tempted to do evil, but never prompted to do good. Its demands are most irresistible and extortionate, yet men submit, and by an irresistible impulse are compelled to obey. If it demands all that a man possesses—health and

wealth, home and friends, wife and children—straightway is the demand recognized and complied with. But few have the physical and moral power to say no, but all bow in submission to its mandates and in obedience to its will. This fact is well portrayed in the following poem by the Rev. Mr. Maclellan, of Scotland:

"A FIEND once met a humble man
At night, in the cold, dark street,
And led him into a palace fair,
Where music circled sweet;
And light and warmth cheered the wanderer's heart,
From frost and darkness screened,
Till his brain grew mad beneath the joy,
And he worshipped before the fiend.

"Ah! well if he ne'er had knelt to that fiend,
For a task-master grim was he;
And he said, 'One half of thy life on earth
I enjoin thee to yield to me;
And when, from rising till set of sun,
Thou hast toiled in the heat or snow,
Let thy gains on mine altar an offering be.'
And the poor man ne'er said 'No!'

"The poor man had health more dear than gold,
Stout bone and muscle strong,
That neither faint or weary grew,
To toil the June day long;
And the fiend, his god, cried hoarse and loud,
'Thy strength thou must forego,
Or thou no worshipper art of mine.'
And the poor man ne'er said 'No!'

"Three children blest the poor man's home
Stray angels dropped on earth—
The fiend beheld their sweet blue eyes,
And he laughed in fearful mirth,
'Bring forth thy little ones,' quoth he,
'My GODHEAD wills it so;
I want an evening sacrifice,'
And the poor man ne'er said 'No!'

"A young wife sat by the poor man's fire,
Who, since she blushed a bride,
Had gilded his sorrow and brightened his joys,
His guardian, friend, and guide.
Foul fall the fiend! he gave command,
'Come, mix the cup of woe,
Bid thy young wife drain it to the dregs.'
And the poor man ne'er said 'No!'

"O, misery now for this poor man,
O, deepest of misery!
Next the fiend his god-like reason took,
And among the beasts fed he;
And when the sentinel mind was gone,
He pilfered his soul also,
And—marvel of marvels—he murmured not;
The poor man ne'er said 'No!'

"Now men and matrons in your prime,
Children, and grandsires old,
Come listen, with soul as well as ear,
This saying whilst I unfold;
O listen, till your brain whirls round
And your heart is sick, to think
That in *America* all this befell,
And the name of the fiend was DRINK."

CHAPTER XXXIV.

MISTAKEN IDENTITY.—THE PAINFUL RESULT OF ONE OF MY LECTURES.

> "Let me have men about me that are fat;
> Sleek-headed men, and such as sleep o' nights;
> Yond' Cassius has a lean and hungry look;
> He thinks too much; such men are dangerous.
>
> —*Shakespeare.*

> "'Tis ever common
> That men are merriest when they are from home."
>
> —*Shakespeare.*

I WAS invited to lecture on temperance in the town of G——. On my way I met an old friend and client, Perry D., a genial, generous, whole-souled fellow, a man who weighed over two hundred pounds, and one who, although temperate in the main, yet occasionally took a social glass with a friend, just to show his respect for the license law, and to patronize the men of "moral character" who do so much for the community by supplying the traveling public with the great necessaries usually found in the saloon and grog-shop. Perry was a large, fine-looking man, with a ruddy countenance always illuminated with a pleasant smile, as if the cares of this world rested lightly on his broad shoulders, and life's trials and

troubles were unknown to him. On the other hand, the temperance lecturer was a man of medium stature, whose average weight was a quarter less than that of his friend, and who had a somewhat lean and cadaverous countenance, seldom illumined by a smile, and when it is so lighted up reminds the beholder of the appearance of the earth when the ghastly rays of a partially eclipsed sun flit for a moment over a sombre landscape. In fact, the resemblance between the two men was not unlike that of the diminutive Shetland pony to the magnificent proportions of the Percheron.

Perry had some business to attend to in G—— which compelled him to stay until the next day, and after supper he invited a friend to go with him to hear the lecture. There was a large audience in attendance, and conspicuous among them was seen the colossal proportions of Perry. During the lecture he looked so grave and solemn that the lecturer congratulated himself on the very apparent fact that he was making a deep and lasting impression on the mind of his old friend. Encouraged by the solemn expression of his countenance and the evident signs of contrition, conviction, and conversion, the lecturer waxed eloquent, and inspired by the asserted truth that there is more joy in heaven over one sinner that repenteth than over ninety and nine just persons, he took the conspicuous person of his old friend as a target, and at him sent the arrows from the quiver of argument against temperate drinking with a force that seemed irresistible.

After the lecture a number of former converts arose and told their experiences: how for years they had been captives and slaves to their appetite; how they commenced life buoyant with hope and bright anticipations of the future; how in an unguarded moment they commenced the downward career, lured by the attractions of the social glass, tempted by fashion and custom; how, slowly yet surely, step by step, they approached the awful abyss of a drunkard's life, or how, all unconscious of their danger, and deceived by the placid waters on which they floated, they saw not the eddying waves of the maelstrom in the distance, whose edge they were fast approaching; how, when it was almost too late, when their frail bark was almost within the vortex, they were first aroused to the dangers that surrounded them; and how, in tones of agonizing prayer, called on God to help them, they then seized the oars of good resolution, and, bending to the stroke, at last urged their frail boat through the circling waves into the haven of temperance and reform. All this, and much more, was told with startling effect, and to it all Perry listened as one whose attention was directed toward himself, and whose convictions were aroused to a sense of his own danger, and the necessity of immediate reformation. The meeting closed, and Perry and his friend walked along the streets toward their hotel. He appeared to be lost in thought, and absorbed in reflections caused by the lecture and experiences he had just listened to. His friend, observing what he supposed was the silent workings of conscience, and hoping

for a good result, was careful not to interrupt the current of his thoughts, but preferred to leave him to the effect produced by the inward monitor upon all reflective minds. For some time they walked on in silence, when Perry suddenly remarked in a very emphatic manner:

"Sam! that temperance meeting has made me most infernal dry; let's go somewhere and get a drink."

Sam acquiesced, with improper alacrity, and soon ahead of them they saw the ever-present great "necessary institution," a grog-shop, with its alluring sign and open portals, inviting the traveling public to enter and drink.

They entered. Perry, with the assurance of a man who had fully made up his mind as to what was needed for their comfort, walked up to the bar, and in a firm yet persuasive tone of voice remarked:

"Two whiskeys straight."

The man with the "good moral character" looked the thirsty applicants over for a few moments, and then, in a surly tone and most concise manner, replied:

"Haven't got any!"

Perry looked disappointed and surprised, and after a moment's reflection said:

"Give us two glasses of ale."

The man of "good repute for temperance and sobriety," in his former tone and style of diction, replied:

"Haven't got any."

"Give us two glasses of lager then," said Perry.

"Haven't any!" said the owner of a great franchise.

At this Perry's good-humored countenance assumed a most fascinating smile, and he pleasantly requested that they be accommodated with two glasses of pure cold water.

"Don't keep any!" growled the man whose business in life is to supply the wants of the traveling public.

Perry and his friend looked in amazement for a moment at the accommodating proprietor of this great public institution, and then retired. As they closed the door after them they heard him remark to some of the "traveling public" who lived in an adjoining street, and were seated around a table in his room:

"That's the cussed galute that lectured on temperance up at the church to-night. I know one of them fellers soon as I see 'em, and they never can get a durned thing at my bar. I keep a saloon to 'commodate respectable travelers, and them temperance loafers can't fool me a cent's worth, for they all look alike."

The next morning Perry counseled an eminent attorney, who informed him that an action of slander would not lie against the saloon-keeper, and now he says that if he ever meets that temperance lecturer in a car again, he will "stop over" and take the next train.

CHAPTER XXXV.

THE MOUNTAIN IN LABOR.

"He'd undertake to prove, by force
Of argument, a man's no horse,
He'd prove a buzzard is no fowl,
And that a lord may be an owl,
A calf an alderman, a goose a justice;
And rooks committeemen and trustees."

Butler's Hudibras.

"Justice is lame as well as blind amongst us:
The law corrupted to their ends that make them."

Otway.

"A MOUNTAIN," says Æsop, "was once greatly agitated. Loud groans and noises were heard; and crowds of people came from all parts to see what was the matter. While they were assembled in anxious expectation of some terrible event, out came a little mouse." So reads the fable, and the moral taught in the simple story is this: "*Don't make much ado about nothing.*"

Not long since a great judicial tribunal in our commonwealth was in the pains of parturition; a grave and important legal question had been presented to the Court for consideration; a question whose discussion and decision involved every grade of legal

ability, from the wisdom of Solomon to the acumen of Sancho Panza and erudition of Dogberry; a question involving not only the rights of man, but a great scientific fact. That question was, "*When the law prohibits an act being done on a certain day, when does the day begin and end?*"

Now, be it known to my readers that the Legislature of our great commonwealth recently discovered a fact not known to politicians: "That men when under the influence of liquor are not as capable of exercising the elective franchise properly as when they are sober." When this new and startling fact had penetrated the carapace that surrounds "the dome of thought" of the average legislator; when this self-evident truth had dawned upon the inquiring mind of our law-makers, an act of assembly was passed, making it a misdemeanor for any licensed holder of "the great prerogative" to sell or give to another a drink of liquor on "election day." Why this act was passed is a mystery, and to the thinking mind will ever remain among those things that, in the language of "Lord Dundreary," "No feller can find out." For if it be right to grant a license to sell liquor, if there be nothing wrong in the traffic, why should its sale be prohibited on election day? If it be right and proper to sell alcohol to the traveling public at any time, why restrict it to certain days? If it be necessary, and its use does no harm, why not permit its sale at all times? Are men to be deprived of the necessaries of life by law, and of individual rights by legal enactments?

Well, it came to pass that at a certain election precinct in the town of N——, after the polls had closed, a hotel-keeper opened his bar. He naturally reasoned thus: "I have purchased of the Commonwealth a great franchise; I own the right to sell liquor, and although the Legislature, through the personal experience of its members, has become satisfied that (outside of the legislative halls) men can vote more intelligently when sober than when drunk, yet as the polls are closed, and the reason for closing my bar no longer exists, I may now open it, and pursue my time-honored and lawful ocoupation." His logic seemed to be faultless, and his method of reasoning strictly Baconian, yet

> "The best-laid schemes o' mice and men,
> Gang aft a-gley,
> And lea'e us nought but grief and pain,
> For promised joy."

He was arrested, and indicted for a violation of the act of assembly. The case came on for trial, and the court and jury were wrestling with the grave question, "When did election day end?" There was no vital principle involved in the issue. The ruin wrought by the traffic did not enter into the case—no! Though pregnant with woe to the human race and sorrow to the family circle, while crime was its offspring, pauperism and immorality its lineal descendants; while it stained the records of the court with the history of murders perpetrated by its influence, and brought sorrow and suffering to many firesides; yet all this was forgotten, and learned lawyers

seriously discussed the paltry question to the Court—"*Whether by law the day on which the country enjoyed a cessation of the evils of the liquor traffic was twelve or twenty-four hours in length.*" Truly here was an occasion for the exercise of legal ability and forensic eloquence. What an intellectual strain it must have been on the great legal minds of those who argued the case, and what a physical strain on the judges who listened to the argument. But the Court rose with the greatness of the occasion, and finally decided that the day contemplated in the wisdom of the Legislature was twenty-four hours in length. And it is now a record of legal precedent that a grog-seller may sit up all and every night and sell whiskey if he desires to do so, except on the night of the day of election, when he cannot sell until after midnight.

When the average human mind contemplates this important case and its decision, it is at a loss which to most admire—the definition of law by Blackstone, or of a court of justice by "Punch": the former, "That law is a rule of conduct prescribed by the supreme power of a state, commending what is right and prohibiting what is wrong;" the latter, "That a court is a place where law and justice are *said* to be administered."

Every restriction which the law throws around the liquor traffic only serves to show more clearly the monstrosities and incongruities of the license system.

"You shall not sell or give intoxicating liquor to the man of intemperate habits," says the law to the licensed vender. A few days ago a friend related to

me the following incident; it needs no comment; the simple tale itself contains an argument that must impress itself on every mind:

"A young man entered the bar-room of a village tavern and called for a drink. 'No,' said the landlord; 'you've had too much already. You have had the *delirium tremens* once, and *the law will not let me sell you any more.*' At that moment two young men entered the room and called for drinks; and while the obsequious landlord proceeded to wait on them very politely, the other stepped back to give place to the more welcome customers, and stood silent and sullen. When they had taken their drinks, he walked up to the landlord and thus addressed him: 'Six years ago, at their age, I stood at this bar, as these young men now are. I had fair prospects in life; I had health and industrious habits; and more than all, I had a young wife whom I dearly loved. Now, at the age of twenty-eight, I am a wreck in body and mind; my wife died of a broken heart, and with her unborn child lies in yonder churchyard. You led me to drink; in this room I formed the habit that has been my ruin. Now sell me a few glasses more, and your work will be done! I shall soon be out of the way, and sleeping by the side of Mary and my little babe out yonder; you can see their grave from here. Let me then have a few more drinks, for there is no hope for me. But these young men can be saved; they have not yet formed the irresistible appetite that I formed here, and that has been my ruin. Do not sell it to them again.

Sell it to me, and let me die, and the world will be rid of me; but, for Heaven's sake, sell no more to them! But give me a drink! I *must* have it, to quench the fire of hell that burns within me!' And while the landlord stood pale and trembling, he seized the bottle from his hand and rushed into the street. No pursuit was made, and the next morning he was found lying on the grave of his wife, by his side the bottle, emptied of its contents."

Like poor "Jo," in "Bleak House," he was dead: "Dead, most honored lawmakers; dead, most Christian philanthropists; dead, Right Reverend and Wrong Reverend of every order; dead, men and women, born with heavenly compassion in your hearts; and dying thus around us every day!"

Let us suppose that this incident had occurred on the night of election day; that this legalized murder had been perpetrated because, in violation of law, the bar of the licensed vender had been opened before twelve o'clock at night, and the next morning, when the murdered man had been found on the grave of his wife, a coroner's jury had been called to inquire into the cause of his death: it would have been very apparent that it was caused by the liquor he drank that night. The empty bottle by his side, with the testimony of the worthy man who had a right to sell whiskey because he was a man of "good moral character" and had been licensed by the court, would have established this fact beyond dispute. But the time when the act was perpetrated would now become material. Had the clock struck twelve at

night when the landlord set the bottle within the reach of the man now dead, or was it before or after that time? If before, then the licensed vender would have been guilty of a misdemeanor; if after, then was he an innocent man, engaged in a lawful occupation. *There is a dispute as to the time when the liquor was procured—*

"Only this and nothing more."

The murder which the law authorizes a privileged class to perpetrate ("for revenue purposes") is not the question; no, that offense is so common that no one notices it. But the grave question to be settled by a court of justice in a Christian land is: "Did the bar-keeper unlock the door of his bar before or after twelve o'clock at night?" Well, the court convenes; the question is submitted to them; the jury find from the evidence that the bar was opened at fifteen minutes before twelve o'clock, and the landlord is found guilty. Guilty of what? Not of the murder he indirectly perpetrated; not of the offense of tempting a man to his ruin, and of furnishing him the means to accomplish that ruin; not that the wife and child in yonder grave came to their death through his agency—no! not guilty of that, but guilty of opening his bar a quarter of an hour before he had a legal right to do so; and he is fined (also for revenue purposes) for a violation of the law. Had he but waited half an hour longer before he attempted to enjoy his "great franchise," he would have been innocent; no one could have complained

of him. The murdered dead—the man, the woman, and the child—can only testify before the throne of God's justice on the great and final day. Until then their wrongs must go unavenged and the criminal unpunished. But, says the Arabian proverb, while "Justice moves with leaden feet, yet she strikes with an iron hand"; and as certainly as men are accountable to a Power higher than any of earth, will that blow come. It may be long years before justice will overtake the offender; yet it is well for him to remember that retribution has for the accomplishment of its inexorable decrees the never-ending ages of the future. Before Heaven's dread tribunal the plea of a "former conviction or acquittal" in the courts of earth will be of no avail. The manner in which the scales of Justice are held at equipoise in the judicial tribunals of this world will be no precedent in the next. The authority of an act of assembly which permits a man to tempt his fellow to sin and crime here will not be recognized before that last great Court, where all "must plead either guilty or not guilty" of disobedience to the divine law. Justice on earth must of necessity be blind. The fallibility of human judgment, man's limited knowledge of the motives of the human heart, and the impulses that prompt us to action, our loves and hates, our desires to serve our own ends and accomplish our own purposes, are component parts of the bandage which covers the eyes of the goddess in human tribunals; and

"In the corrupted currents of this world,
Offense's gilded hand may shove by justice:
And oft 'tis seen the wicked prize itself
Buys out the law; but 'tis not so above:
There is no shuffling, there the action lies
In its true nature; and we ourselves compell'd,
Even to the teeth and forehead of our faults,
To give in evidence."

—*Shakespeare.*

CHAPTER XXXVI.

MURDERED BY A GRATEFUL COUNTRY.

"The neighing steed, the flashing blade,
The trumpet's stirring blast,
The charge, the dreadful cannonade,
The din and shout are past:
Not war's wild notes, nor glory's peal,
Shall fill with fierce delight,
That heart that nevermore shall feel,
The rapture of the fight."

—*Poems of the War.*

"Free will is but necessity in play,
The clattering of the golden reins that guide
The thunder-footed coursers of the sun.
He only hath free will whose will is fate."

—*Bailey.*

"While yet her cheek was bright with summer bloom,
Her country summoned, and she gave her all"

—*Thomas Buchanan Read.*

"AN INQUISITION taken at the county of C——d A. D. 1866, before me, Coroner of said county, upon view of the body of John K., then and there lying dead, do find—That the said John, in attempting to cross a certain railroad bridge, *accidentally, casually,* and by *misfortune,* did fall therefrom to the ground, a distance of twenty-five feet, and by means of said fall his neck was broken. And we further find, as a

fact, that at the time of said accident John was *under the influence of liquor,* and that the A. & G. W. R. R. Co. are censurable for not protecting their bridge in such a manner as to prevent such accidents; and that the attention of the city authorities be called to the bridge aforesaid, and that the railroad company be requested, without delay, to construct a proper railing or fence on said bridge, sufficient to protect persons who may attempt to cross it from falling therefrom;

"And that the said John ——— came to his death by *misfortune* and *accident,* and *not otherwise.*

"A. B., Coroner." [L. S.]

This was the "finding" or verdict of the coroner's inquest in a case a few years ago. I was called on to assist in the investigation. The deceased was a soldier just discharged from a hospital, where he had been confined by a severe wound he had received on the battle-field. He had served faithfully in the army for a period of over three years; had been in the first battle of Bull Run and a number of succeeding engagements; was one of those brave men who volunteered at the commencement of the war, and had re-enlisted in that noble band of veterans who were their country's protection in her hour of danger. He had a furlough of sixty days, to visit his family and recuperate his health. A few days after his return he had walked out in the evening along the streets of our city, and was met and warmly congratulated by his many friends on his recovery.

While on the street he met a number of that class of public nuisances who appear to be unable to manifest their emotions or sympathies on any subject except by an invitation either to treat their friends or be treated by them "to the drinks." These vagabonds can be seen in crowds on our street corners every day in the week. They infest our public thoroughfares. They are the vermin of the country that creep upon the body politic; and if the law would "*treat them*" as they deserve, the workhouse and prison would be their abiding places, and society relieved of an infection.

The wounded soldier was invited into a drinking-saloon, and there, under the protection of law and the liberty of license, was induced to drink. Enfeebled in body, the influence of the licensed curse crept upon him unconsciously, and he staggered from the door of the legalized pest-house, and started on what he supposed was the path that led to his home—to that home where sat the expectant wife, happy in the soldier's return, happy that her gentle care and attention had almost restored to health her husband who had been brought to the very brink of the grave fighting in defense of his country. Unfortunately, his recollection, confused by drink, led him astray. He turned to the left instead of to the right, and in the morning was found dead, as we have narrated.

The inquest censured the railroad company for leaving their bridge unprotected. Not a word was said about the licensed drinking-saloon—no! it is an honored institution, far above and out of reach of

censure. It had a legal right to do just what it did: to sell the wounded soldier a drink; and although that drink proved as fatal as the poisonous hemlock of Athens, although he was murdered by a legalized agent of the commonwealth, this fact was overlooked by the coroner and the twelve intelligent men, who in such cases generally increase the obscurity that usually surrounds a murder. Yet they knew it as well as they knew any other physical fact that could be easily traced to its immediate cause; and on their oaths they did not dare to tell the truth! There, in sight of the inquest, stood the grog-shop and the bridge—the one the primary cause, the other only secondary; the one licensed by law to sell liquor, with a full knowledge by both court and law-makers of the probable consequences of such license and sale; the other a structure erected by the railroad company for the especial purpose of facilitating travel, and not as a footway for pedestrians. Yet the jury, sworn to find the facts from the evidence, censured the corporation that owned the bridge and exonerated the owner of the place through whose agency the man was murdered.

The next May I was called upon to address the people assembled to perform the beautiful ceremony of decorating with flowers the graves of the country's honored dead; a ceremony alike creditable to the hearts of those that conceived it, and beautiful, affectionate, and appropriate in its execution—a ceremony that covers the soldier's last "bivouac" with Nature's most beautiful offerings.

As I stood beneath the trees in the city of the dead, and looked upon the green hillocks around me, I saw friends and relatives placing garlands of flowers on the memorials erected to mark the resting-places of those they loved. There was the mother whose only son lay sleeping so quietly that sleep that in this world knows no awakening; there the wife widowed by the cruel chances of the battle-field; there the father whose pride of manhood failed to conceal the sorrow of his heart, or to check the tears that fell like summer rain upon the grave by which he stood; there the soldier's little children, too young to fully appreciate their loss, sobbed in the agony of their young hearts at the memory of a father's caress and kiss. But yonder, by the side of a simple memorial, knelt, heart-broken, the wife of him who survived the dangers of battle and came home to be killed by the influences thrown around him by the laws of a Christian country. With her hands clasped as if in prayer, she knelt by his grave, and seemed convulsed with the magnitude of her woe. A simple inscription on the marble by her side gave the name, age, and time of her husband's death. It was a simple story, full of sorrow to her, yet it told not the whole truth. There was room on the monumental stone for another inscription, and I thought it ought to have been there, inscribed so plainly as not to escape a single eye: that our lawmakers might see it; that those who wear the ermine of justice might see it; that every Christian and patriot might see it; that every philanthropist might see

it, and read from the inscription that the affectionate husband and the brave soldier was

"MURDERED BY A GRATEFUL COUNTRY."

CHAPTER XXXVII.

THE YELLOW FLAG.

"Come when the blessed seals
That close the pestilence are broke,
And crowded cities wail its stroke"

—*Halleck.*

"Death's shafts fly thick: here falls the village swain,
And there his pampered lord! The cup goes round,
And who so artful as to put it by?"

Blair's Grave.

A FEW years ago I was passing along a street in one of our large cities, when I came to a barricade erected across the sidewalk. I observed a yellow flag suspended from a house adjoining. I asked a policeman what it meant. He said they had a dangerous and infectious disease in the house, and the flag was to give notice of that fact to the public, and that the barricade was to prevent persons from passing the infected premises. He also stated that it was done by order of the City Council; and in my rural simplicity I thought, How well the city is governed! how careful the city fathers are of the health of their children and of the strangers who sojourn in their midst! I retraced my steps and took another street.

While walking along, thinking of the excellent sanitary regulations of the city, I noticed ahead of me a red flag suspended over a door that opened on the street. Remembering the yellow flag and its object, and considering the sanguinary hue of the one ahead of me, I naturally concluded that here was another warning, and that an infection most dangerous and deadly was lurking in ambush beneath the folds of the red flag. Approaching nearer, I discovered that I was correct in my suspicions, for I read upon its surface these words, in gilt letters: "FANCY DRINKS AND CHOICE LIQUORS." I also observed, in addition, the words, "WALK IN," on the flag; and seeing another guardian of the peace near me, I approached and asked him what that flag meant. I informed him that I had just seen a yellow flag, and wondered if this red one was also a warning to the public of the dangerous proximity of disease and death. The city watchdog looked at me for a moment with the most unbounded astonishment depicted on his intellectual features, and as if he doubted for a moment the fact that a verdancy of so vivid and brilliant a color could exist in the human mind, when he inquired, "Where you from? Can't you read? Don't you see it's a sign of a drinking saloon?" I informed the gentlemanly official that I was a stranger in the city—a man of bucolic tendencies from an extremely rural district, and did not always fully comprehend all I saw and heard. Seeing my benighted condition, he softened in his manner, and informed me of the nature of a drinking

saloon. He said it was licensed by the City Council, that there were a number of hundred in the city, and that a large revenue was derived from the sale of the licenses. I inquired who paid the cost of prosecuting the criminals who became intoxicated at these saloons, and while under the influence of the liquor there obtained committed the many crimes the history of which was published in the daily papers. He looked surprised, and I continued:

"Don't you know, my friend, that beneath that flag lurks disease more fatal and death more certain than beneath the flag of yellow? Don't you know that the disease here engendered ruins a man soul and body, brings want and poverty to his wife and children—that it tempts him to commit crime? And more than that, if a man contracts the disease at yonder yellow flag and recovers, he will never contract it again. On the other hand, if the disease is contracted beneath this red flag, and the man recovers, he is even more liable to take it than before; the oftener he has the disease the more likely he is to have it again, until the end comes—abject poverty and certain death. Don't you know all this?" I continued, thinking I was making an impression on the mind of the intellectual and prepossessing public functionary. "Why, then, does the city barricade the street and hang out a yellow flag to warn people of their danger yonder, while here men are invited to drink and die?"

I paused for recuperation, and to think up a new supply of logic, when the man with a star on his

breast quietly remarked, "Say, stranger, ain't you a lunatic escaped from some asylum? Ain't your friends looking for you, and offering a reward for your recovery?" I passed on, discovering that the seed I had sown had fallen on very stony ground. The officer looked after me until I hastily turned the first corner, and I have no doubt but that to this day, whenever he hears of an escape from a lunatic asylum, he firmly believes that he might have pocketed the reward by my arrest.

> There is a pleasure in being mad,
> Which none but madmen know."
>
> —*Dryden's Spanish Friar.*

CHAPTER XXXVIII.

SENTENCE DAY IN COURT.

"Justice must punish the rebellious deed;
Yet punish so, as pity shall exceed."

—*Dryden.*

"Fly, judges, fly! corruption's in your court,
The judge of truth hath made your judgment short;
Look so to judge, that at the latter day
Ye be not judged with those that went astray."

Lodge and Green's "Looking Glass."

"For with what judgment ye judge, ye shall be judged: and with what measure ye mete, it shall be measured to you again."

—*Matthew vii. 2.*

"THERE, Richmond, is material for a new chapter in the next edition of your book." This remark was made to me one morning as I entered the court-room, by a brother-attorney, who pointed to a number of criminals awaiting sentence.

It was "sentence day," a day at the close of the term, when the criminals who have been convicted during the week are brought into court to be sentenced to many a day of deep and lasting gloom—to the friends of the condemned, to wives and mothers, sons and fathers, who are related to the accused, a

day of grief more poignant than when the pall of death is spread over the family circle, for it is also a day of shame and contrition.

In front of the Judge's bench sat five men, with downcast looks and expressions of hopeless misery on their countenances, characters that are seen only in our courts on the day sentences are to be passed on the convicted criminals. The room was filled with deeply interested spectators, who were drawn there by that morbid curiosity that leads many to view the misfortunes of their fellows with an inward feeling of satisfaction, and at the same time granting them the opportunity so complacently to "thank God that they are not as other men"; persons who, after an hour's exquisite pleasure afforded them by witnessing the sorrows of their fellow-men, return to their homes, and in their evening devotions, like "Holy Willie," call the attention of the Deity to the fact, that

> "When thousands he has left in night,
> That they are here afore his sight;
> For gifts and grace,
> A burnin' and a shinin' light
> To a' the place."

The Judge was referring to the act of assembly that fixed the punishment for the crime of which the prisoners were convicted. For a few moments all was silent in the room as in the house of death. Not a sound broke the stillness which in a court-room always precedes the final act of the law. The law has now nought to do but to pronounce the punishment that its inexorable rules prescribe for crime. The

prisoners were all young men, under the age of thirty-five years, and as I looked at them I thought, why is it that they are outcasts in chains among their fellows? They had the average look of intelligence and honesty of their class. I saw upon their foreheads no brand by which the finger of their Creator had marked them as felons. Why, then, this deep, dark gulf that separated them from the silent spectators that surrounded them? They all had loving friends, and probably some of them had praying mothers, who years ago by the cradle's side in humble petitions asked God to protect their sons from the temptations most likely to beset their pathway in life, leading them to sin and crime.

A few moments passed in breathless silence and dread expectancy on the part of the criminals ere their doom was sealed. And oh! the unutterable anguish that was expressed on each face as they watched the judge turning slowly the leaves of the book of fate. What terrible feelings of remorse must have passed through their minds, knowing as they did that for them there was no hope, no mercy; but that the law they had offended demanded their punishment, and that its mandates must be obeyed! In the future human sympathy would plead for them in vain; in vain would pity with tear-dimmed eyes ask for mercy in their behalf. They had sinned, and "The wages of sin is death."

"PRISONERS AT THE BAR, STAND UP!" said the Judge in cold, authoritative tones. "You have been convicted of arson, burglary, and aggravated riot,

Under the mistaken idea that the laboring men in this country can take the law in their own hands and redress their supposed wrongs by brutal acts of violence, you met together at the Hotel of ——, in this county, and, after indulging freely in intoxicating liquor, you proceeded to commit criminal acts of violence and incendiarism. You set fire to the house of your employer, and, when the proprietor of the hotel very properly refused to give you any more liquor—as you were already intoxicated—and closed his doors against you, you broke into his house, stole his liquor, which you distributed to the mob your unlawful conduct had collected; and when they, like yourselves, were drunk and frenzied with intoxicating liquor, you applied the torch of the incendiary to the buildings and workshops where you had been employed, and by that act, destroyed a large amount of property, threw out of employment scores of men who were willing to work, and who depended upon their daily labor for the support of themselves and their families; you are bad men, and we must make an example of you for the benefit of society, that others who may be inclined to get drunk, and then commit outrages on the peaceable and law-abiding citizens of this commonwealth may take warning by your fate. It is well for men like you to learn that the arm of the law is stronger than the arm of man, and that if men will drink liquor to excess, and then while under its influence commit acts of violence and crime, the law is swift to punish the offenders. Your plea that you were drunk is no excuse in law, it does

not even palliate, but rather aggravates, your crime; for no good law-abiding citizen will get drunk, knowing, as every one must know, that men are much more likely to commit crime when they are under the influence of liquor than when they are sober, for,

"Wine is a mocker, strong drink is raging,"

and if men will drink—will get drunk—and then commit crime, it should increase their punishment, not diminish it. And, while the law licenses reputable men to sell liquor, it does not thereby license disreputable men to get drunk. As you have sowed so must you gather: and, in the future, after the term of your imprisonment has expired, we advise you to abstain from the use of intoxicating liquor, avoid those places where it is sold, and remember that it has been the cause of your crime and shame.

"The sentence of the court is, that you and each of you, pay a fine to the commonwealth of one hundred dollars, the costs of prosecution, and undergo imprisonment at hard labor and by separate and solitary confinement in the Western Penitentiary for a period of twenty years, to be computed from this date.

"Sheriff, take the prisoners in custody!"

The prisoners were taken out of the court-room to the jail, and, as they retired, their chains and fetters clanking in the distance, the man of "good moral character," whose liquor had been stolen, and who, in the exercise of his glorious prerogative, had sold the criminals the liquor that made them drunk, this

"*law-abiding*" and worthy citizen stood smiling among the spectators, and was congratulated by the other "law-abiding" citizens present for his indefatigable efforts in bringing the offenders to justice. Yes, the man who sold them the liquor that made them drunk, and then prosecuted them to conviction for the crime that his whiskey had inspired, this man was congratulated by his friends because he had sent to prison men he had made drunk, and who never would have committed the crime but for him and the license that court had granted him.

And, as I looked at the smiling publican, who was so pleased at the manner in which justice had vindicated the offended laws, I never more fully appreciated the significance of the symbolical bandage over the eyes of the fabled goddess than I did then. There, on her marble pedestal over the jury-box, she stood as calm and benignant as if a most monstrous outrage on the very name of justice had not just been perpetrated in her name, and in a temple dedicated to her sovereignty and power. Yes, there she stood, her scales at equipoise, yet heedless of their symbolical demand; her naked sword in her hand, yet she did not smite the original and first cause of the crime, although he stood unblushing in her very presence—the man who knew that, in the then unsettled state of mind of the laborers, who became criminals through his influence, it needed only the inspiration his liquor would beget to make them incendiaries and murderers. This worthy man and accessory to the crime was now smilingly receiving

the approbation, unmixed with censure, of the "law-abiding citizens of the commonwealth," because he had ruthlessly pursued the criminals, and in the name of justice had sent his neighbors to prison, who were not more guilty than he. And when I looked upon the statue on the wall, and remembered what had just been done in her name, I felt that even her symbolical presence in that room, in such a scene as I had just heard and witnessed, was

> "—— a lie,—an odious lie,
> Upon my soul, a lie; a wicked lie,"

and that it were far more fitting that the goddess, fabled in name and attributes, should be removed from her pedestal, and in her stead there be placed an image of the vilest drab that ever nightly walked the streets—

> "Selling her soul to whoever would buy."

Had there been no licensed hotel in the town of —— on the night of the riot, no crime would have been perpetrated, no property destroyed. But because the licensed vender had a right to sell, men had a right to buy; a right to sell presupposes a right to drink. The prisoners did drink—a lawful act. The result was not innate in them so much as it was in the liquor. And yet the cruel, unfeeling words of the Court were but the voice of the law that tempts men to crime and then punishes them for yielding to the temptation.

The Court said that the safety of society demanded

the punishment of the criminals; and if his honor had only continued, "the safety of society also requires that the public bar, at which men are made criminals every day, should be abolished," he would but have stated a self-evident truth no thinking mind can deny.

The criminals were sent to prison, and the man with a "good moral character" continued for many years his time-honored and lawful occupation; and for many years criminals went from court to prison on account of the influence he exerted; until at last even he did an act that entitled his memory to the thanks of all good men—an act worthy of imitation by all like him—HE DIED, and his evil influence perished with him.

A FRIEND'S SUGGESTION.

I thought I had finished this chapter, but after reading it to a friend for his criticism, he remarked, "It is all true but the last sentence. *His 'evil influence did not die with him.'* Where are the hundreds of men who acquired the fatal appetite at his bar? Where are the families of the drunkards he has made? Where the sons that a father's example has ruined? Where the daughters a father's shame has exposed to temptation, and made them easy victims to prostitution and sin? Where are the scattered fragments of human wrecks that his influence has strewn all along the streams of life? Where the seeds of corruption he has sown with a prolific hand over the fields of society's broad domain?"

A poor woman who had, in an inadvertent moment, originated a slanderous story about a neighbor, was struck with remorse at the consequences of her thoughtless act, when she found it was being repeated by willing tongues. Visiting the confessional she told the good father what she had done, and asked for absolution from her sin. Her confessor listened to her story, and then, after gently chiding her for the wrong she had perpetrated, told her she could not be absolved without penance. He gave her a handful of thistle seeds, bade her go and sow them all along the pathways and thoroughfares of the neighborhood, and then return to him. The penitent woman took the seeds, and did as he had directed, congratulating herself that the sin of slander could be so easily expiated. When her task was completed she returned to receive the promised absolution. When the reverend father informed her that her task was not yet ended, he said to her, "Daughter, you must now go and gather again the seeds you have sown, and bring them to me. Do not leave one, for if you do, it will germinate, grow, and scatter its seeds, which will be blown by the winds all over the country, to the great injury of the husbandman." The poor woman stood aghast at the task required of her. "It is impossible, good father," she said, "I do not know where the seed has fallen." "My daughter," said the priest, "you have sown the seeds of evil report against your neighbor, and it is now as impossible to stay the wrong you have done as to gather the seeds I gave you. I know the task is impossible, and I but sought

to show you the great evil you do by sowing wrong to your neighbor. You may indeed scatter the seed, but the hand of God alone can gather them again ere the evil of their germination is completed."

Thus is it with the man who, authorized by license, scatters broadcast the seeds of human sorrow and crime. Long after his grave has become green with the herbage of succeeding years, long after it has, by the untiring feet of time, been trodden level with the plain, and even his memory has passed into utter oblivion—long! long after this, the evil he has done will live and flourish. Every plant of sin and disease he planted along the pathways of human life has generated other seeds and scattered them as the thistle's down is scattered by the wind. And, as the good priest said, "nought but the hand of God can gather them again." It is a foolish husbandman, indeed, that waits until the noxious weeds have scattered their autumn seeds before he exterminates them from his soil. But spring, when their shoots of active vegetation appear among the plants of healthful verdure, is the time when they must be crushed and destroyed. So the accursed traffic in rum—so the license system that plants, nourishes, and protects this wicked traffic—must be crushed by the iron heel of the law so effectually that it shall germinate no more. After the seeds are sown it is, indeed, vain to attempt to regulate their growth by legal enactments. It is as useless as to say to the summer wind and autumn storm, "You shall not scatter seeds that have ripened by the toleration and carelessness of the husbandman."

For evil influences will spread from their source regardless of all law, either human or divine. Our only safety, then, is to destroy the source, crush the parent plant, and do this by legal enactment. "THUS SAITH THE LAW" is a sentence all men must respect. For it is a command from a power that all men fear, and can be compelled to obey.

> "Law does not put the least restraint
> Upon our freedom, but maintain 't;
> Or if it does, 'tis for our good,
> To give us freer latitude;
> For wholesome laws preserve us free,
> By stinting our liberty."
>
> *Butler's Hudibras.*

CHAPTER XXXIX.

WHO WAS THE MURDERER?

"See her face is black and full of blood,
Her eyeballs further out than when she lived;
Staring full-ghastly, like a strangled man;
Her hair upreared, her nostrils stretched with struggling,
Her hands abroad display'd, as one that grasp'd
And tugg'd for life, and was by strength subdu'd.
Look on the sheets; her hair you see is sticking:
It cannot be, but she was murder'd here.
The least of all these signs are probable."

—*Shakespeare, Henry VI.*

"The hand that should shield the wife from ill,
In drunken wrath is raised to kill."

—*The Grog-seller's Dream.*

"MAN in jail wants ter see you!" shouted a young street gamin one morning as he burst open my office door with the energy of a young tornado. "Man in jail wants ter see you!" he repeated; "he gin me ten cents to come and tell you to come up right off." "What is he in for?" I inquired. "For *slaughter*, I guess," said the boy. "Manslaughter?" said I, inquiringly. "No, I guess not," said the young lexicographer, "can't be that, 'cause he killed a wo*man.*—Wants ter see you, anyway, right off; so you'd

better travel;" and he vanished from my sight "like the belated fragment of a storm."

I went to the jail, and, pacing back and forth in his cell, was the prisoner, who the sheriff informed me was accused of murdering his young wife. He was excited almost to the verge of frenzy, wringing his hands and groaning in mental agony. He walked his prison floor like a maniac. It was some time before he became sufficiently calm to tell me his story. Yes, he was accused of murdering his young wife, to whom he had been married about two years. Several times he commenced to tell me his case, but was interrupted by paroxysms of uncontrollable grief: "I murder Bertha!" he would exclaim; "it cannot be so! She was an angel, and I loved her better than my own life! I murder the mother of our dear little babe? It is a monstrous lie; I never did, never could have done it!"

And yet the woman was found dead in her bed by the side of her drunken husband, who was sleeping off the effects of his last debauch. Some people who lived in an adjoining house were awakened in the early morning by the violent screaming and crying of the little child; and, on going into the room where the prisoner and his wife slept, they found that the woman had been dead some time, and her little babe was trying in vain to nurse from the ice-cold breast of its dead mother. The husband and father lay by the side of the murdered wife in a drunken sleep, from which he was aroused with difficulty.

When fully awakened, and understanding the ter-

rible tragedy in which he was most probably the principal actor, he could give no account of himself for the last number of hours, although sobered by the fearful circumstances that surrounded him. The last he remembered was, that he with some companions was drinking in a neighboring licensed hotel "*sample room.*" Of late he had been in the habit of spending his evenings in that room, drinking with a few dissipated habitués, who nightly assembled to drink and carouse in the place which the court had licensed to accommodate the "traveling public"; and where, under the protection of that license, the proprietor was selling to his neighbor without stint or hindrance. The evening before the prisoner had drunk more than usual, and was at a late hour in the night taken home by one of his less intoxicated companions, who said that he assisted his weeping wife in putting him in bed, and then left them. This was about twelve o'clock at night, as he stated before the coroner's inquest.

On the throat of the murdered woman were the unmistakable marks of a man's hand, as if the fingers had clutched around her throat to strangle her. The pillow had also been drawn from under her head and apparently placed over her face and pressed upon it, for there was a spot made by mingled blood and saliva from her lips on the white pillow-case.

A *post-mortem* examination was made by a physician and a surgeon, who testified before the coroner's inquest. They both stated that on the throat of the woman were the marks of *three fingers* and a thumb

of a *right hand;* that the nails of the fingers and thumb had cut the skin in such a manner that the marks were plainly seen. *There was no mark of the nail of the middle finger.* The scalpel and the microscope also revealed another fact of so delicate a nature that its narration is here omitted. In the bed was found a small red gold shirt-stud with an *opal setting.* These facts were clearly proven at the inquest.

The public were greatly excited. The prisoner was well and favorably known. He was a "driller," and until within the last few months had been a sober and industrious man. But of late it was noticed that he visited the hotel "sample room" every evening, and was fast becoming a confirmed drunkard. His wife, a beautiful young woman, with tears and pleadings remonstrated in vain. The law had established a temptation in his pathway that he could not resist. Yes, for the benefit and convenience of the mythical "traveling public," who seldom came that way, a licensed "*sample room*" was set up in the town, and by its influence men were becoming drunkards, who a short time before were sober and industrious artisans and mechanics.

Public opinion was very much against the prisoner, nearly every one believed him guilty, and all who so believed attributed the crime to his intoxication. Before he became an inebriate he was known to be kind-hearted and amiable; when drunk he was said to be a quarrelsome and brutal man. Yet he was never known to abuse his wife, and even in his most turbulent moods she could always control him, and with her gentle hand lead him where she wished.

I had frequent interviews with the prisoner, and he always in the most vehement manner protested that he was innocent. He said he remembered nothing that occurred distinctly that night after he left the "sample room," and believed that when he went to sleep he did not awaken until morning, when he was with difficulty aroused by the man who was led to his room by the cries of the little child. This man stated that he found the door of the room unlocked when he entered it, and that the key was in the lock on the inside of the door; the outside hall door was also found unlocked.

Two months after the murder the case came on for trial. The prisoner was arraigned, and, when asked the usual question by the district attorney, "What say you, guilty or not guilty?" answered in clear and distinct tones, "I am not guilty, so help me God." The trial proceeded. The prisoner met with but little sympathy from people assembled to hear the case. Almost every one believed him guilty, and clamored for his conviction. But I believed him innocent, notwithstanding the apparently overwhelming evidence against him. I did not believe he was sober enough *to do what it was proved had been done that night.* And the shirt-stud found in the bed—how came *it* there? I was convinced it was not the prisoner's, and that he never saw it before it was produced in evidence on the trial.

After the evidence had concluded, I presented the following legal points to the Court:

"The Court is asked to charge the jury as follows, *to wit:*

"1st. That to justify the jury in finding a verdict of guilty of murder in the first degree, the evidence must satisfy them that the killing was *deliberately* and *premeditately* done.

"2d. That if the jury believe that the prisoner was so intoxicated at the time as not to be able to form a *deliberate* and *premeditated* design to kill, it would reduce the grade of the offense, and the killing would be murder in the second degree.

"3d. To justify a conviction on circumstantial evidence, the inculpatory facts must be absolutely incompatible with the innocence of the accused, and incapable of explanation upon any other reasonable hypothesis than that of his guilt."

I proceeded to address the jury, and did all that I could do to explain away the terrible array of facts that accumulated around the prisoner. But all was in vain. I saw the hard, stern expression of conviction settle upon the faces of the jurors. There was no sympathy in the jury-box for the man who had been made a drunkard by the legalized agents of the law.

It was but a few months since I had opposed the granting of the license to the hotel where the prisoner obtained liquor on the night of the murder; but the evidence of good men had satisfied the Court that it was necessary for the accommodation of "strangers and travelers," and it was granted. The price of the nefarious contract with the commonwealth had been paid into the county treasury. The public weal and welfare had given place to the de-

mand of the "traveling public" for whiskey. The seed had been sown, and now the county was gathering into the storehouse of her prisons the harvest of ruined men and criminals: crime born of drunkenness is the certain offspring of license. Verily in this world the seed-time is not more certain than the time of the ripening ear, "And the people that sow in sin shall reap in iniquity."

The Court charged the jury on the law as I requested, affirming my points; and after a few hours absence they returned with a verdict of "Guilty of manslaughter." At the end of the term the prisoner was brought into court for sentence. He was asked the usual question, "Have you anything to say why the sentence shall not be passed upon you?" He replied, "I have nothing to say, only that I am not guilty of the killing of my wife. I loved her dearly, I would have died for her, and God above knows I tell the truth when I say I am not guilty of her murder! But I am guilty of disregarding a pious father's admonitions, of forgetting the prayers my mother taught me, and setting at nought the tears and appeals of my murdered wife. I am guilty of visiting a place licensed by this court to ruin men, and I must suffer the penalty. I ask nothing for myself, but in mercy to my old friends and companions, I beg your honor to revoke the license you have granted, that they may escape a fate like mine."

A few days after, I was passing the jail just as the sheriff was bringing the prisoners out to take them to the Western Penitentiary. A covered wagon stood

by the prison-door, and soon I saw my client come out of the jail and step into the wagon. When he saw me he raised his manacled hands above his head, and in tones of agony I shall never forget, he said, "Mr. R., I am not guilty, not guilty of murdering my wife! I am an innocent man, whose only crime is that I could not control my appetite. I ruined myself by strong drink!"

He died in prison long before the expiration of his sentence.

Two years after the event just narrated, I was employed to go to an adjoining county to prosecute a man for a brutal assault, battery, and robbery. The criminal was a notorious reprobate of that class that had for a number of years infested the "oil country," and was known by the *sobriquet* of "three-fingered Jack."

When the case came on for trial and the criminal was brought into court, I thought I never saw a more hardened or desperate looking villain in the "criminal dock." During the trial he raised his right hand to his face, and I saw that the *middle finger had been amputated at the second joint.* Observing him more closely, I saw on his shirt-bosom two *red gold* studs with *opal settings*—the exact mates to the one found in the bed by the murdered woman. I whispered to a member of the bar for a moment, when he took a seat by the prisoner's side, and seemed to be admiring the shirt-studs. Shortly after, I heard him say, "Jack, those are beautiful opal stones on your shirt-bosom; have you the set?" Jack looked at him a

moment, and distinctly replied, "I had once, but I lost one of them *two years ago.*" It is needless to say that I labored earnestly to procure his conviction, and succeeded. When the jury returned with a verdict of "Guilty!" the desperado arose to his feet, and with the utmost *nonchalance,* he said, "Well, gentlemen, you have convicted an innocent man sure as h—l!"

He was sent to the penitentiary for seven years, but died in prison about two years after his sentence. After his death facts came to my knowledge that satisfied me that he was really innocent of the robbery of which he was convicted.

I also ascertained the fact that he was in the town where the murder was perpetrated on the night of its commission; was seen in the "sample room" a short time before the husband was taken home; and I believe that he outraged and murdered the wife by the side of her drunken husband.

> "—— Heaven and earth do cry, impossible!
> The shuddering angels round the eternal throne,
> Veiling themselves in glory, shriek, impossible!
> But hell doth know it true."
>
> —*Maturin's Bertram.*

CHAPTER XL.

TO THE WOMEN OF THE COUNTRY.

"Not she with trait'rous kiss her Savior stung,
Not she denied him with unholy tongue;
She, while Apostles shrank, could danger brave,
Last at his cross, and earliest at his grave."

—*E S. Barreti.*

"Men are more eloquent than women made,
But women are more powerful to persuade."

—*Randolph.*

"When bad men combine, the good must associate, else they will fall one by one an unpitied sacrifice."

—*Burke.*

To the women of the country I have something to say: You are more interested in the cause of temperance than the men. On you falls with tenfold force the curse of intemperance. Of your number are the thousands and tens of thousands of heart-broken wives in our land who have lived to see their husbands sacrifice love, home, happiness, reputation, and all of life's endearments, to the fatal passion for strong drink. Of your number are the multitude of sorrowing mothers who have mourned over the memory of sons that have gone to drunkards' graves. Of your

number are the thousands of poor wives and mothers in our land who, with enfeebled health and weak hands, are made to do the labor of the slave to support their little families, while the husbands and fathers, drunken and debauched, are spending all they can earn in the licensed rum-shop. On your frail bodies fall the brutal blows of the husband made demoniacal by rum.

You who have suffered so much seem to be designated by Providence as great instruments in his hand to purge the land of an evil more destructive to mankind than war, pestilence, and famine. Your very feebleness of body and dependence on man make you more effective in this great battle, where your prayers are more potent than the sword, and your tears more eloquent than words. Remember that "victory is not always to the strong, nor the race to the swift."

When Israel's beardless youth went forth to meet Philistia's champion, he conquered, not by the strength of his own arm, but because his cause was just, and Israel's God had so decreed it. Then it was that the five pebbles gathered from the brook in the Valley of Elah were more effective in the hands of the little shepherd boy than were the mailed coat and ponderous spear of the giant warrior.

I think the hand of Providence is to be seen in this late temperance movement, for this reason: The secret workings of the liquor dealers are now strangely felt in the political arena. The poison of that influence had been insidiously working its way through the veins and arteries of our political system until

the whole body had become corrupted; the Christian churches had become apathetic, society indifferent, and sin and crime almost triumphant; when, a few months ago, the power that stilled the waves on Galilee prompted the act. The finger of the Deity touched the heart of feeble woman, and inspired her to meet the jeers and insults of the rabble in the streets, to face the storms of a most inclement season, and with song and prayer to seek to reach the hearts of those who were scattering ruin over the land as the autumn leaves are scattered by the storm.

We may, my reader, differ in our opinions in regard to the manner in which prayer affects, through a kind Providence, the conditions of men. While I may not believe that the Deity is like the god of the prophets of Baal, who may sleep, or perchance go on a journey to a far country, and be indifferent to the wants and welfare of men, while I may not believe that He who made all things is apathetic, and careless of the wants of His children, until aroused to action by the prayers of the righteous, yet I do believe that from His throne on high He touches with His divine finger the human heart, and prayer pours forth spontaneously, as did the water from the rock in Horeb when touched by the wand of Moses; and while prayer may not affect the Deity to make Him change His immutable designs, yet it is certain that it does affect the human heart, and prompts to pious thoughts and Christian action.

The power of the Creator does not manifest itself alone in the tempest and earthquake, but is as potent

and powerful when it moves the leaves of a thousand forests with the breath of a summer zephyr, as when it rent the veil of the temple in twain, or bade the dead to walk.

In this temperance movement, which is sweeping over the land like an inundation, and like the overwhelming flood, carrying all before it, I think the power of the Deity is as manifest as when it went before the children of Israel in a cloud by day and a pillar of fire by night.

This movement will have this effect: if it does not entirely wipe out the sin of intemperance, if it does not close the doors of all the dens of drunkenness in our land, if it shall not destroy all those avenues from virtue to crime, it will, at least, act as a brake on the wheels of the great Juggernaut that is annually crushing thousands of the ablest and best in our land in its ruthless course.

This movement will also demonstrate the moral power of woman, and her fitness to take part in the councils of the nation. I tell you, my readers, if women could only vote, the licensed grog-shop and beer-saloon would vanish from our midst like the dew of the morning, and not only in this, but in all other great moral movements, their influence would be felt like the healing balm to the wounded body.

In all political contests where the morals and Christian welfare of society are involved, the defeated candidate could go home and write upon his political escutcheon the words that appeared upon the wall at Belshazzar's feast: "MENE! MENE! TEKEL! UPHAR-

SIN!" for woman, like the ancient Goddess of Justice, would hold the scales, and "Thou art weighed in the balance and found wanting," would be the edict passed upon all not morally worthy.

I believe that to you, Christian women of the country, do we owe in a great measure the late temperance movement. Your converts to-day are numbered by thousands. During your crusade, the "rum-shops" and "dens of thieves" were literally turned into houses of prayer. The parallel of that memorable event the world never saw before. There must be, somewhere in this vast universe, an answering spirit that heard your petitions. There is no other way of accounting for it. In the holy cause of temperance, an army of feeble women, panoplied only with virtue and religious zeal, armed only with song and prayer, attack the hosts of sin in their stronghold and vanquish them. And remember, too, that the law of a Christian people was on the side of sin. By law you were all trespassers, and could have been forcibly ejected from the premises you sanctified by your presence. The law gave you no right to thus invade the "castle" of the rum-seller, protected as he was by license and the ancient rights of property and possession. You were all conspirators, by virtue of the enactments of our immaculate criminal codes. You conspired to interfere with the business of men engaged in a time-honored and lawful occupation; yet, inspired by God, you dared to do a Christian act regardless of the law of the land. None but women could have done this, and naught but answered prayers could have thus protected you.

The history of the world has shown that ever since the hour when Eden was first made vocal with song, woman has exercised an influence over man, which, either for his weal or his woe, has always been irresistible. Her smiles have conquered the Mark Antonys of all ages, while the iron mail of the Cæsars has been penetrated by the arrows of her love. The thrones of kings of a hundred successions have tottered beneath her influence, while the fleets and armies of the world have been convened and set in battle array through the passions kindled by her glance.

The eloquent Robert G. Ingersoll in a recent lecture said: "I tell you, women are more faithful than men, ten times more faithful than men. I never saw a man pursue his wife to the very ditch and dust of degradation and take her in his arms. I never saw a man stand at the shore where she had been morally wrecked, waiting for the waves to bring back even her corpse to his arms: but I have seen woman with her white arms lift man from the mire of degradation and hold him to her bosom as though he were an angel."

I too have seen all this; I have seen the wife forgive and forget conduct of her husband, had she been guilty of which, he would have spurned her from his door as a wretch unworthy of forgiveness and beyond all hope of reformation. I have seen the wife stand by the side of the criminal husband in a court of justice when all others forsook him, and when the testimony against him proved acts that would have

brought the blush of shame to cheeks of the furies that stand by the gates of perdition; and I have seen tears of mingled love, sympathy, and sorrow wash her faded cheek. And, criminal though he was, stained with the most revolting crimes, I have seen her cling to him in his degradation, and, with looks more eloquent than words, say to him, "Though all men may despise and condemn you, I forgive and love you still."

Since the memorable "crusade" the liquor-dealers and manufacturers have combined their forces all over the land to sustain themselves against all opposers. They have organized a society for that purpose, have raised a large amount of money to defend their interests, and have resolved to support no man for an office who does not acknowledge their right to make and sell the great source of crime, wretchedness, disease, and woe. In all future political contests all other considerations are to be made subservient to this. All candidates are to be tabooed who do not acknowledge the inalienable right of the liquor-seller to bring want and ruin in the house of his neighbor, poverty and shame to the fireside of his friend.

They claim the right to debase manhood for gain, debauch society for profit, promote and increase crime, sow the seeds of debauchery and sin broadcast among their fellow-men, that they may be enriched by the price of the wife's sorrow, the children's tears, and the mother's woe. They claim the right to fill our streets with idleness and drunken riot, our prisons with criminals, and our poor-houses with

paupers, and the candidate who dares to deny or even doubt this right, is to be declared by the popular vote unfit to hold a position of public trust or confidence.

This is the position of the two contending armies —this the guage of battle thrown down to us. Let us accept it. Let us meet them even on the skirmish line of the battle field and fight it out on that line if it takes the lifetime of this generation.

The most powerful weapon to be used in the coming conflict is the ballot, and to make that weapon an effective one, it must be placed in the hands of the women of the country. There is no alternative; there it must be placed and there it will as surely be as that the sun will shine on the morning of future elections. The objection to women voting arises from a species of sickly sentimentality that has no foundation in justice or common sense. How many husbands consult their wives in matters of grave importance in their business transactions, and how often is that advice followed with successful results. The pulpit, the rostrum, the learned professions are now opened to women; why, then, should the ballot-box be closed to them? Does it require more judgment and intellect to determine between the claims of two political candidates than women have displayed in investigating the laws of nature and in solving her mysterious problems? Could not Miss Herschel as successfully have investigated the principles involved in a county election as in the laws that govern the *planetary* system? Could she not as easily have de-

tected a spot on the moral constitution of a candidate as on the sun, or the existence of a new planet or satellite? Was not Mrs. Somerville as competent to form a correct opinion and decide between two opposing political hypotheses as to investigate the laws of physics and philosophy? Could not Mrs. Stowe have voted as intelligently on the slavery question as the average member of the legislature or senate who obtained his seat by falsehood, swindling, and bribery, or his friend, the grog-shop politician, whose vote and opinion were purchased for a glass of rum? Could Mrs. Hemans, Mrs. Browning, or Eliza Cook, whose writings are a part of the standard literature of the day, exercise a proper discrimination between the claims for office of a blatant demagogue and a pure-minded statesman? Are the mysteries of the political arena so deep and profound as to be understood only by the drunken habitue of a grog-shop, and to be beyond the comprehension of those pure-minded Christian women whose presence and prayers like a sunbeam from Heaven illumined the dark dens of vice during the crusades? Have women sat upon the thrones of the great kingdoms of the earth, and administered just laws to a prosperous people, while they, as a race, are incompetent to vote for a county judge or a legislator?

A lady who had been one of an audience to whom I had just lectured on this subject, said to me: "Mr. R., you go too far. I don't want to vote. I would not if I could. I don't think it would be *very nice* for ladies to go to the polls among a crowd of men

and vote!" Oh, dear! what a reason for not giving the moral weight of woman's influence at an election. "It *wouldn't be very nice*," etc. If all women were alike and that good lady the standard, I would unsay all I have said on this subject. I suppose women don't go to church among a crowd of men, or to the theatre or opera, or to large parties, and there, dressed as scantily as the season will permit, circle through the voluptuous evolutions of the waltz or round dance in the embrace of some other woman's husband or brother! But it is not *nice* to go to an election among a crowd of men, and drop into a box a piece of paper on which is written, "the country needs moral, honest, and temperate men to make laws, and we will have none other." It is "*not nice*" to stand boldly up for the right, and for the sake of fathers, husbands, and sons, demand of our rulers that vice and temptations to sin shall not be established by law, or licensed by legal enactments.

Said I to the good lady, "Madam, you have a son, a young man, I believe?" "Yes," she answered, "and he is a strong temperance man." "You love him, undoubtedly, as a mother should?" I asked. "Now, suppose that your son, every day as he went to and fro from his home to his place of business, had to pass by a drinking saloon; suppose he should be tempted to go in and drink—at first only occasionally, but as the appetite increased, more and more frequently, until at last he should be brought home to you intoxicated; and you knew that the temptation the law licensed and established by the side of

his daily pathway, had led him astray—that he was being ruined, and that even your prayers would not save him from a drunkard's life and a drunkard's death, would you hesitate one moment, if it were in your power, to go to the polls and vote to abolish the saloon, to blot out of existence the temptation that was leading your boy to ruin?" "No!" said she, "I would go, if God gave me strength to walk, or even creep on my hands and knees, and I would do all I could to vote out of existence the vile spot and the laws that established it." "But," said I, "what about the crowd of men around the polls?" "I would not care for them," she said, her eye kindling with that maternal instinct that prompts the most timid animal to fight for its young, "I would go if every man in the crowd were a devil—and I would save my boy or die!" There spoke the true, noble-hearted woman and mother. Like the lioness at bay, she was ready to fight singly the whole host of rum to save her darling child.

And all that is wanted in this country, to exterminate the whole race of liquor-dealers, saloons, and rum-shops, is to put the ballot into the hands of the women as well as the men; let them see that it is in their power to protect fathers, brothers, and sons from the temptations established by the license system, and that their votes are all that is required, and the places that now know the grog-shops would soon "know them no more forever"—they would be forever blotted out by women's votes. All mock delicacy would be laid aside as it was during the crusade.

With one thought, one purpose, and one resolve, they would go to the polls, determined to save those they loved from temptation and sin, and a God of justice would bless their efforts, as he answered their prayers uttered in the very centers of pollution and vice. "The gods help those who help themselves," is the moral of an ancient fable, and it is but another form of expressing the sentiment of inspiration that "faith without works is dead."

To my mind there is not one argument that can be or is urged against woman suffrage, that may not be used with equal force against nearly all the social privileges they now enjoy.

"Taxation without representation is tyranny," was the sentiment that fired the hearts of the early patriots, and nerved their arms in the battles of the revolution, and yet while we tax the host of women property holders in our country, we deny to them the right of representation in the national counsels that impose those taxes.

Do not women discuss both in private and public the great moral questions before the people? Is not the moral character of men in high position, and the theories they advocate, the subject of many an able theme from woman's lips or woman's pen? Does any one dare to deny their right to freely discuss every question, in science, religion, or politics, that comes before the people? If there is such an one, in the feeling and significant words of "Bumble, the Beadle," "he cannot be a married man"; and he *certainly* denies a right that is acknowledged by the

civilized world. It is too late, in the light of the nineteenth century, to attempt to deny the intellectual power of women and their moral influence on the destinies of the people, too many noble sentiments that shall live until literature shall die have been uttered by them both on the rostrum and in the pulpit; and to concede to them these powers, this influence, these rights, and then deny their right to be heard and felt through the ballot-box, is to deny a self-evident truth and the plainest principles of social and political ethics.

Put the ballot in the hand of woman and it will do more to destroy the "social evil" than a century of mission efforts, or all the power of moral suasion. Let it be understood that a fallen woman may reform as well as a fallen man. Close not the doors that lead either to the anxious seats in our churches, or to restoration in the social circle, to the women, while we open every avenue of reform to man. Mete out to frail and feeble women the measure of justice that is meted out to sinning men; give them the power to assert and demand their rights at the ballot-box as it is given to men, and as certain as God punishes sin and rewards a just act, the world will be better and mankind happier therefor.

Why is it that the "welcome embrace, the ring, the shoes, and the fatted calf" are for the prodigal son alone in this world? Why not receive the prodigal daughter with the same spirit of forgiveness, and take from her the garment of scarlet, and put upon her penitent form the "best robe"? Why should

the world be less forgiving to woman than to man? Why deny her the right to exert an influence for good that is given to him? Would the ballot be less effective when deposited by the hand of woman than when dropped in the box by the fingers of the debauchee? Why, then, all this discrimination, always in favor of man, and against woman, except for the reason that we have not yet completely thrown off the shackles of the past, and that there yet remains a remnant of that barbarism that once looked upon her as a slave, whose sphere was only to minister to the selfish pleasure and unholy passions of men.

The Savior taught no such distinctions. When the offending woman was brought before him by the scribes and the Pharisees, how plain was the divine justice of his rebuke to them, "He that is without sin among you, let him first cast a stone at her," and when her cowardly accusers, "convicted by their own consciences, went out one by one, beginning with the eldest, even unto the last," the being whose mission on earth was himself to suffer, even for that woman's sins, said to her: "I do not condemn thee, go and sin no more." What a lesson is here taught to the scribes and Pharisees of to-day, of both sexes. What a rebuke to the self-righteous, and to that large and worthy class of citizens in every community,

> "—— Wha are sae guid themsels
> Sae pious and sae holy,
> Who've nought to do but mark and tell
> Their neebor's faults and folly!"

A God who had to undergo the ignominy of the cross forgave even the sin for which he suffered to expiate—forgave the offending woman and rebuked her unfeeling accusers. And yet in this world

> "From woman every woe a tear may claim,
> Except that of an erring sister's shame."

And, as I have read this story, I have often wondered when the virtuous and indignant mob arrested the woman, what they did with her *particeps criminis*—where was the man and what was done with him? Undoubtedly the cowardly paltroon was in the midst of the mob repairing his damaged reputation by his zeal in demanding the punishment of the woman and his remarkable industry in gathering stones to be thrown at her. But most probably he was a voter and a political partisan of some ringleader of the mob, therefore the offense that in him was venial, when committed by the woman, deserved death.

How much the justice of eighteen hundred years ago was like the justice of to-day. But give woman the ballot, let her assert her right to help to make the laws that punish her transgressions, and as the opinions of society in all ages have been but a reflex of the spirit of the laws that govern the nation, so will she receive justice where it is now refused her, and exert an influence over the morals of the people that will protect those she loves from the temptations that now beset them on every hand.

Maudlin sentimentality will give way to a desire

for the welfare of husbands, sons, and fathers, and the drinking-saloon and license law will never survive one election after the time shall come that woman holds the ballot. For vote she will, regardless of the "crowd of men at the polls," whenever that issue is before the people, and always on the side of temperance and morality against temptation and crime.

CHAPTER XLI.

THE GROG-SELLER A GREAT PUBLIC BENEFACTOR.

> "Oh! the selling of grog is a good device
> To make a Hell of Paradise.
> Where e'er shall roll that fiery flood,
> 'Tis swollen with tears, and stained with blood."
>
> —*The Grog-seller's Dream.*

> "The lust of gold exceeds the lust of conquest;
> The lust of gold, unfeeling and remorseless;
> The last corruption of degenerate man."
>
> —*Dr. Johnson.*

In concluding this little volume, I feel that the common courtesies of life require me to say a few words to the liquor-sellers. To you, gentlemen of the "tap and corkscrew," I would say something before I say good-night to the public. I feel that you ought not to be slighted. So respectable a portion of our community as yourselves deserves especial notice, and what I say to you I say in all kindness and consideration.

I know that your "guild" is an ancient one, and that you have always exerted a great influence over men. Without your eminent services a large class of politicians—worthy men (?)—would be as powerless

as was Samson when shorn of his locks. Is an important political issue before the people, and to be left to their vote? Straightway is your power made manifest. You infuse into the average voter a spirit that becomes positive enthusiasm in behalf of those eminent men who have secured your valuable support. A great proportion of a certain class of voters look to you for instructions before they attempt to wield "the freeman's efficient weapon, the ballot." You are most useful in selecting for offices of public trust those great and good men who so faithfully administer the municipal affairs of our great cities.

In certain districts in our large towns there is a class of the population that, to the ordinary observer, appears to be entirely worthless. Of these you organize an army of voters who willingly do your bidding. In this respect you resemble those ingenious machines that convert the waste of our factories into useful commodities—such, for instance, as are used for clothing and blanketing the soldiers of our imposing standing army. You are a power in the land to be feared, if not respected. This is well known to our politicians, who therefore pay due and proper regard to your calling.

Many of our great benevolent institutions depend upon you for their inmates. In fact I sometimes wonder what philanthropists would do for objects on whom to exert their benevolent purposes but for you. You furnish them in great numbers. The back streets and alleys of our cities will provide them most abundantly as long as a Christian people will permit you to ply your licensed occupation.

All over our country are erected noble structures of imperishable stone and iron, in which your followers are humanely cared for at the expense of a generous people. Those imposing edifices are but so many monuments erected in honor to you, and to perpetuate your memory. All this is done because of the spirit infused into society by your means, and in the exercise of the great franchises you enjoy. What would be the use of those noble institutions, the prison and poor-house, if the country furnished no inmates? They would be silent as the houses of the dead, but now, through the influence you spread around, they are great hives of industry, always full, and their machinery never idle. How gratifying it must be to you to know that while the government has erected these great workshops, you provide the workmen.

To you, also, is science greatly indebted. You furnish our educational institutions with subjects for scientific investigation. But for you the scalpel would rust in its case, and the dissecting table be without an occupant. It will not do to rob the cemeteries of the remains of the rich and respected even for the sake of science. There is a patrician prejudice against erecting ornate monuments of the sculptor's art over an empty burial case, and inscribing thereon the virtues of those who lie not beneath. To the pauper class alone, then, must science look for its subjects, and as long as the noble guild of licensed rum-sellers exists the supply will greatly exceed the demand, for you will always keep the market overstocked.

You also promote emigration. There are many new colonies formed in distant lands—as in Australia—where the prominent emigrant was first brought to public notice by the influence you exert; and that influence permeates all classes of society, from palace to hovel, from the poor outcast in the street to the painted inmate of those temples of vice where the appetite you create has made sin profitable, and lust an impetus to trade. I know, too, that as a class you are eminently respectable, for a number of good citizens must have so certified to the court that granted your license. Had this not been so you would not have been permitted to engage in so noble and philanthropic a business as the selling of that which "*biteth like a serpent and stingeth like an adder.*"

The business of selling liquor to the poor unfortunate inebriate is so pure, so free from immoral stain, that among the multitude of avocations in our land, that, and that alone, requires a certificate of good moral character before you can engage in it. All other avenues of trade are free and open to all. Yours, and yours alone, is the exception. This fact shows how pre-eminently respectable is the business of selling whiskey. All other occupations are liable to be used for mercenary purposes, and bad and disreputable men may engage in them; but, thanks to the enlightenment of the nineteenth century, a great and Christian government reserves the right to determine who may, and who shall not, make drunkards. From this source the revenue of the State is increased, and your business made respectable by

law. When the law selects from the people a few upon whom to confer a privilege that shall not be enjoyed by the many, what better badge of respectability can be desired than the license of the court to enjoy that privilege?

In ancient times the sovereigns of a people conferred upon their favorite subjects certain distinctions; and with the insignia thereof none could decorate their persons save the favored few. Stars, garters, and ribbons were the licenses of the ruler to those on whom were conferred the exclusive enjoyment of certain privileges and franchises. This formed an order of nobility, and they became the aristocracy of the country. The decorations were worn by the proud owners thereof on the breast, or were suspended from the neck in a most conspicuous manner, thereby notifying the public that they were the titled few. Now, why should not the rum-selling nobility imitate the titled and great of other lands? Let the emblem of distinction be a shield with the seal of the Commonwealth in the foreground, a drunkard *couchant* and a whiskey bottle rampant in the background, and let a prison and a gallows loom up in the distance. Let the motto be, "Depressus extollor" ("*Being debased, I am exalted*"); place the decoration on the left breast, over a heart dead to all human sympathy, and alive only to wicked gain, and the law of "the fitness of things" will be verified.

I am afraid, my friends of the "noble calling," you do not fully appreciate the great and glorious privi-

leges you enjoy, and the position in society that privilege confers upon you. Reflect for a moment! Your license not only gives you immunity, but it is evidence clear and conclusive of your good character and respectability. In this country a man may be a merchant or a mechanic, a learned professor or an humble artisan, and no certificate of reputation is required. A man may preach the gospel—yes, he may even practice the pure and untarnished profession of the law without such a certificate, but you cannot sell rum without you are morally qualified to do so. And it is right and proper that it is so, for no business in our land so much affects the morals of the community as yours.

In your keeping the law intrusts the welfare of many a household and the honor and happiness of many a family. You inspire your fellow-men to commit nearly all the crimes in the calendar of human iniquity. Many a noble man has, by your respectable assistance, commenced that career of vice and crime that has ended in the prison or on the gallows. Into your poisoned chalice fall all the tears of the drunkard's children and the sorrows of his heart-broken wife. Your garments are stained with the blood of nearly all the murders whose details fill the columns of our daily papers with their horrors. "Killed in a drunken brawl" is the coroner's verdict that meets the eye on every page. But remember it was your hand that placed the maddening cup to the murderer's lips, and from all over the land thy brother's blood cries to heaven against you. And when

from the trembling hand of some poor victim of the fatal appetite you take the price of his ruin, do you never tremble when you reflect that "God is just, and that His justice cannot sleep forever?"

It is true "*that it must needs be in this world that offenses will come; but woe unto that man by whom the offense cometh*"

CHAPTER XLII.

GOOD-BYE TO THE READER.

"Farewell! I will omit no opportunity
To convey my greetings of love to thee.

"All the world's a stage,
And all the men and women merely players;
They have their exits and their entrances;
And one man in his time plays many parts."

—*Shakespeare.*

To the indulgent reader of this little volume I have a few words to say ere I lay down my pen. I have tried in the preceding pages to present the evils of the license system in a few simple narrations, and, now that I have finished, I feel that I have come so far short of my desire and intention, that I regret I ever attempted the task. There has been so much said, and so well said, to the public on the subject of temperance, that I fear me my feeble effort has added nothing of importance to the evidence already adduced in the great cause of Temperance Reform *vs.* Alcohol, now on trial before the tribunal of public opinion, and but for the fact that the printer has kept pace with my pen, and that most that I have

written is already in proof sheet, I would not present this volume to the public.

Those who have written so much and so ably on the subject of intemperance, have generally been ministers, who have presented the question from their point of observation, the position from which they have seen its evils and its pernicious influences in society. But the lawyer and the minister of the gospel look upon mankind from very different stand-points. The minister always sees his congregation dressed in their "Sunday best," in a suit carefully brushed and laid away during the week from the rough contact with the business vocations of the world, and with faces (to correspond with their clothes) from which every expression of worldly care is banished.

The minister in his sacred desk sees his people very much as the audience in a theater sees the actors upon the stage—dressed for the occasion and "got up" in harmony with the surroundings, and for scenic effect. To the people in the auditorium the tinsel crown of the prince in the play and the paste jewels of his decorations appear as genuine gold and precious stones. So with the smiles and tears, the joys and sorrows, of the *dramatis personæ,* all appear real and genuine, yet all are as unreal as the "baseless fabric of a dream."

But a lawyer views mankind from a stand-point peculiarly his own; he is in the "green-room" of human life, and sees the "make up" of the different actors as they move upon the stage. To him the

gaudy show and tinsel trappings of morality and ostentatious piety worn by the various actors on life's great stage appear in their true light and real value. The tinsel crown that cheats the public to him is but gilded pasteboard. The jeweled insignia of honor and rank conferred for deeds of greatness and philanthropy are as cheap and valueless as in reality are the deeds they are designed to reward.

The lawyer sees men in their worst aspect—as they are prompted to action by selfishness, malice, and hatred toward their fellows. He sees them, morally as well as physically, dressed in their every-day clothes—soiled by contact with the lusts and passions incident to the various occupations of the world—as they jostle and crowd each other along the various business thoroughfares of life. In our courts he sees laws and legal processes prostituted to the accomplishment of wrong and injury, and made to serve the basest passions of men. He sees men occupying high social position by reason of their wealth, every dollar of which was obtained by ruin brought to the inebriate's home and sorrow to his fireside. He sees ostentatious wealth decorating the pew of the Pharisee in a Christian church, whose occupant, by license and law, has preyed upon his fellow-men as the wolf and vulture prey upon the flocks of the shepherd. He sees wealth defy law and justice, while poverty is punished for crimes it did not commit. He knows it to be true that—

> "Plate sin with gold,
> And the strong lance of Justice hurtless breaks:
> Arm it in rags, a pigmy's straw doth pierce it."

All this the lawyer sees and knows. The school in which he has been educated teaches him charity for the frailties of those the law accuses, and his experience is calculated to beget in his mind feelings of contempt for the legislature and its enactments, and too often for the decisions of our courts of highest authority.

All men must obey the law, and should, if it is possible so to do, respect it. *But the law that permits the traffic in alcohol, and licenses men to deal in the "liquid damnation" of the saloon and bar-room deserves the contempt of all mankind, and must be blotted out of our statute-book by the vote of the people.*

To the great army of temperance reformers, I would say, in conclusion, that our cause is just and must prevail. The end is near at hand. God's moral laws are as certain in their results as are the physical laws that govern the universe, and with continued, persistent, and united effort, in a cause so holy there is no such word as fail:

> "Write it in lines of gold
> Upon thy heart, and in thy mind
> The stirring words unfold,
> And in misfortune's dreariest hour
> Or fortune's prosperous gale
> It will have a holy, charming power:
> THERE IS NO SUCH WORD AS FAIL."

POSTSCRIPT.

> "Books should one of these four ends conduce:
> For wisdom, piety, delight, or use."
>
> *Sir J. Denham.*

> "The printed part, though far too large, is less
> Than that which, yet unprinted, waits the press."
>
> *—Spanish Couplet.*

> "'Tis pleasant, sure, to see one's name in print;
> A book's a book although there's nothing in 't."
>
> *—Byron.*

"I HAVE read your book," said a friend to me, "and I rather like the stories, if I could only read them without having to read so much of your nonsense about temperance. Now, if you would write a book giving a history of the singular criminal cases you have been engaged in, without any allusions to temperance, I should like to read it. Tell the story of Edward H. Ruloffson, the learned and celebrated murderer, who was hanged at Binghamton; also the trial of P. for poisoning his wife, during which you analyzed the homeopathic medicine; and the murder of old man B., who was poisoned by his son and young wife, and numbers of other cases that I remember you were engaged in. I believe you could make a

very interesting book if you would say nothing about 'liquor and license' or the 'man of good moral character.'"

My friend's ruddy countenance assumed a brighter hue as he looked at me with a beaming smile of encouragement, while the most prominent feature of his good-looking face seemed to glow with a deeper and brighter color, as if even that organ was animated by the thought, and joined in his disapprobation of the temperance argument.

My friend's remark suggested the thought to me of writing another book, with the cheerful title of "COURT AND PRISON: LEAVES FROM THE DIARY OF AN OLD LAWYER;" and in it to relate many curious incidents of crime, their detection and punishment, the details of which I had heard either in our courts or prisons. But to do this and say nothing about liquor and its effects would be a difficult task indeed. It would be like writing the tragedy of "Othello" and omitting the jealousy of the Moor, or the drama of "The Merchant of Venice" without the hatred and avarice of the Jew. Write a volume about crime and say nothing about the influence that prompted it! Why, the astronomer might as well attempt to describe the motions of the celestial orrery and say nothing of the laws of gravity; or the anatomist seek to describe the human organism without referring to the beating of the heart that forces the blood throughout all the organs of the body. For without liquor, without the laws that sustain its sale and consumption by the people, the chief source of crime would exist no longer.

Reader! if you could retrace with me the long and weary path of my professional life, if I could invest you with my memory of the past, and permit you to witness the scenes I have witnessed, you would forgive me for what you may call my fanaticism in my hatred of the "accursed traffic"; could you even, by the dim light of a fading recollection, see the partings at the prison portals that I have seen!—the mother in an agony of grief parting with a wayward child, whose crime was caused by drunkenness; the father, who, heart broken, in vain attempted to conceal the terrible sorrow that overcame his strength of manhood as he parted with a prodigal, dissipated son, who had been tempted to crime by the legalized temptations of a Christian land; the husband and wife, lover and betrothed, that the wicked influence of strong drink had separated, consigning the one to prison and ignominy and the other to long years of uncontrollable grief, a grief far more poignant than the bereaved mourner feels by the side of the coffin where the somber pall covers the form of the being most loved on earth. Could you see all this, not only once, but often repeated, as I have seen it, you would pardon my "fanaticism" and credit me with honest convictions when I say that to-day the greatest curse that afflicts fallen man is the curse of strong drink and the appetite it begets, and man's greatest sin is the law that permits and licenses its sale.

A few years ago I defended a young man who was convicted of a grave crime committed while intoxicated. By his side during the weary hours of trial

sat his betrothed, a beautiful young girl, whose love would not permit her to forsake him, although even his friends and relatives had cast him off. After his conviction he was sentenced to seven years imprisonment in the penitentiary. She was in his cell when the officers of the law were about to take him from our jail to the prison. The sheriff had placed upon his arms the fetters that had been forged and riveted by rum, and was about to remove him from his cell, when she threw her white arms around his neck, and said, "Oh Fred, dear Fred! I will be true to you although all the world may forsake and condemn you, for I know you are not guilty at heart, and never would have done as you did if you had known what you were doing. But, Fred, remember you have solemnly promised me that in the solitude of your cell you will pray to God to help you conquer the fatal appetite that has led you to commit crime, and that has almost broken my heart! Keep your promise, dear Fred, and I will keep mine. And when your term of imprisonment has expired, and your prison-doors are opened, I will be there to welcome you once more to liberty and happiness. We will go away, dear Fred, where no one will know of this, and I will be to you a true, loving, and faithful wife." But my pen fails to describe this parting scene: the last embrace, the parting kiss, and the clanking of the fetters of the condemned as he stepped into the van that conveyed him to prison.

Three years passed away, when with the girl I went to our State capitol with a petition for "Fred's"

pardon. The kind-hearted Governor received us at his mansion. I introduced the girl to his excellency, and then, like the Duke of Argyle when Jeannie Deans presented to Queen Caroline the petition for a pardon for her sister Effie, I stood a silent spectator to the interview, for I well knew that the logic of the law could add no force to a plea inspired by love and sanctified by fidelity and truth. And as the beautiful girl continued, I saw that the kind-hearted Governor was affected almost to tears. At last she produced the evidence of her lover's former unblemished character; that he was intoxicated when the crime was committed, and said, with such a pleading expression of eye and lip, with a voice choked with sobs, "Oh, Governor! if you do not pardon him, it will break my heart, for he is all I have to love on earth, my friends have cast me off because I helped to bear the shame of his trial and sat by his side in court when all other friends forsook him, and because I have promised to be his wife when he is released from prison. I have known Fred from his childhood; we have loved each other ever since we were children, and he was always so true and honorable until he acquired the habit of drinking. He was always kind and gentle, and never would have stabbed the man if he had not been intoxicated. And oh! if the great men who make our laws only knew the sorrow that is caused by liquor, if they only knew how many good young men like Fred are ruined by it, and how many broken hearts it has made all over the land, they would never enact such wicked laws. And when

they are enacted, Governor, if you would only veto them, you would not be so often asked to pardon those that are made criminals by their influence. And many, many poor sorrowing wives and mothers would pray to God to bless you every day. And if you will only pardon poor, dear Fred, I know he will never drink again, and will never commit another crime." The poor girl by this time was convulsed with sobs, and her tears fell like summer rain.

For a few moments the Governor said not a word (I believe his emotions would not permit him to), but, seating himself at a table, he wrote an order to his secretary to make out the pardon, and handing it to the weeping girl, said, "There, my dear! go and marry Fred; and I know your love and influence will make him a good citizen."

I went with her to the prison and handed the pardon to the warden. He rang a bell and ordered an attendant to bring prisoner No. 1,208 to the office. Soon I heard steps approaching along the corridor, the door opened, and the officer accompanied by Fred dressed in his prison clothes entered the office. He did not know why he was called, and for a moment looked bewildered and astonished. When the girl threw her arms around his neck, saying, "Oh Fred! YOU ARE PARDONED!" the shock of surprise and joy was so great that the prisoner fainted in her arms, and fell to the floor.

As she knelt by his side, and pressed her pure lips to his prison-stained brow, and by her caresses sought to revive him, I thought that that kiss would have

opened the gates of paradise to the "banished peri." When the pardoned prisoner revived, when I told him how his release had been obtained, and how much he owed to the girl by his side, he burst into tears and said, "Nellie, I am not worthy of your love, but by God's help I will try to become so." "Fred," she replied, "you were worthy until you took to drink; and oh, Fred! if you will never taste liquor again we will be so happy, and I will try to make you forget this terrible sorrow and punishment, and we will go where no one will remember it against you."

They were married that evening, and went West. I frequently hear from them. They are prosperous and happy.

I have often thought of this event, and the young girl's devotion to her lover when, alone and friendless, he passed through the terrible ordeal of a trial, conviction, and sentence for crime. The thoughts of her faithfulness and disregard of the opinion of the world for the man she loved, has made me a firmer convert to the theory somewhat irreverently expressed by Robert G. Ingersoll: "That when we consider the quality and quantity of the material out of which the Creator made woman, she is by far the best job he ever did."

But I am afraid my postscript will be like that of a woman's letter, generally longer than the letter itself. What I intended to say was this: that I propose to write a book, as my friend suggested, and while temperance will not be its objective point, yet wherever I can smuggle in an argument in its favor,

I am afraid I shall do so. I will try to make the book interesting to the general reader, and at the same time as far as possible to inculcate the principles of temperance and opposition to any laws that license men for revenue purposes to propagate crime, poverty, disease, and sin.

The kind manner in which the former editions of this little book has been received by the public and the press encourages me to write another, in which I will not confine myself to incidents of crime originating directly from strong drink, but write those I think will most interest the general reader. And, in doing this, my object will be to relate the incidents of criminal trials in such a way as to impress upon the mind of the reader the great truth that

"The way of the transgressor is hard, and the wages of sin is death."

THE AUTHOR.